# Revised Draft Supplemental Environmental Impact Statement

Appendix H (Pertinent Correspondence)

Lake Okeechobee Regulation Schedule



U.S. Army Corps of Engineers Jacksonville District

## **APPENDIX H**

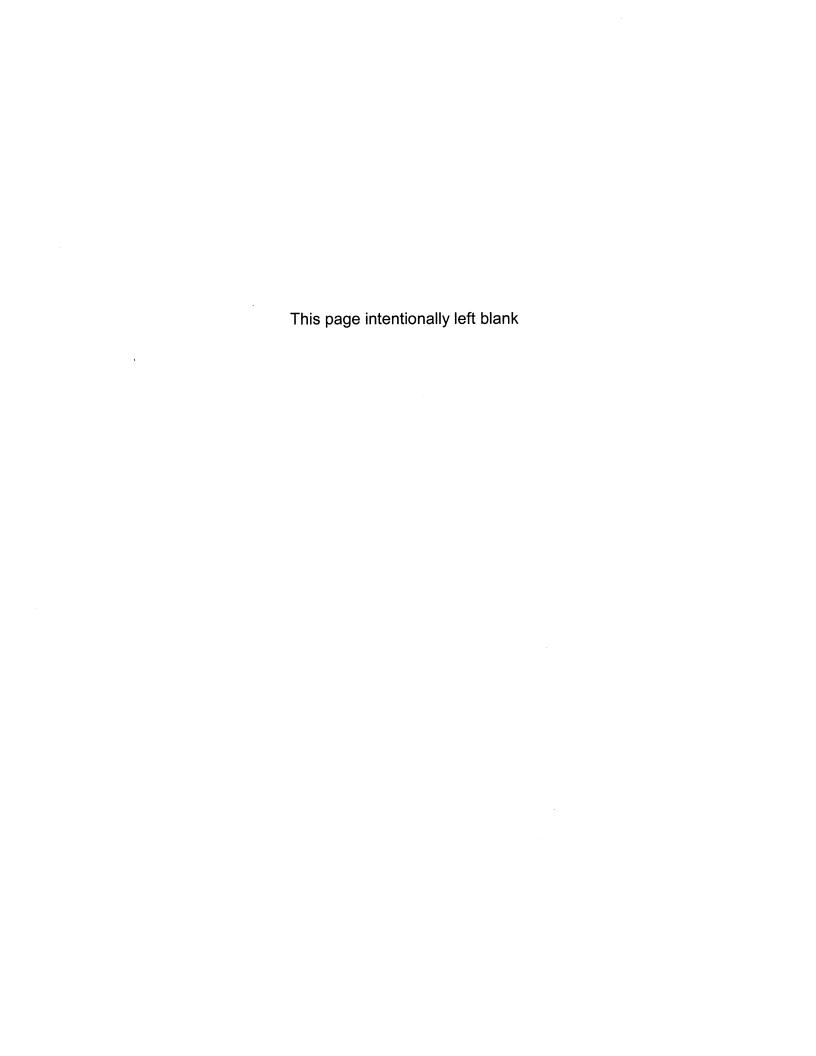
# Pertinent Correspondence For The Lake Okeechobee Regulation Schedule Study

U.S. Army Corps of Engineers
Jacksonville District

June 2007

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- 1. Pertinent Correspondence Summary
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#### **Pertinent Correspondence Summary**

Letters, emails, and phone calls related to the Lake Okeechobee Regulation Schedule Study were received throughout the study process. Each piece of correspondence received on the August 2006 Draft Supplemental Environmental Impact Statement (DSEIS) for the Lake Okeechobee Regulation Schedule was reviewed, recorded in the project comment tracking matrix, and addressed as necessary. Various agencies, stakeholders, and the general public shared positions and commented on the following topics as related to the Corps' Preferred Alternative Plan:

- Concerns due to extreme high release from lake to the Caloosahatchee Estuary
- The reason behind the 17.25 ft. high lake constraint
- Release more water south
- Increase Stormwater Treatment Areas and storage reservoirs
- Use available SFWMD lands for emergency lake water storage
- Water supply concerns with a lower lake schedule
- The Plan is acceptable at managing lake lower
- The Plan allows for more equitable discharges to estuaries and WCAs
- Release more low flows to reduce high flows to estuaries
- Economic costs of high releases
- Need to account for wet weather cycle
- Limited discussion and coordination on endangered and/or threatened species such as manatee and sawfish

During the DSEIS public review period, numerous public comments were received. The majority of the public comments centered on the need for improving the Corps Preferred Alternative (1bS2-m) as it related to the Caloosahatchee Estuary performance. Based on consideration of public comments received, the Corps made a decision to complete additional alternative plan formulation and subsequent hydrologic simulation modeling in an attempt to improve the Caloosahatchee Estuary performance, while achieving other study objectives. Since additional formulation and modeling was done, which resulted in three new alternatives, it was necessary to revise the August 2006 DSEIS, instead of finalizing the document. The revised DSEIS incorporates the responses to the many comments received on the August 2006 DSEIS. Substantive comments were pulled from the correspondence received, and responses to those comments can be found in the comment matrix within this appendix.

#### **Email Correspondence Received**

Numerous individual emails were received during the public comment period of the DSEIS. The majority of those emails were from individuals concerned with the environmental and economic issues regarding the Caloosahatchee Estuary. Most emails contained statements that did not warrant individual responses. However, the Corps took these statements into consideration when additional plan formulation was done to improve the performance of the 2006 DSEIS Preferred Alternative.

#### **Email Form Letters Received**

Over 2000 form letters, the majority of the letters titled "rethink the tentatively selected plan for Lake Okeechobee Releases" were received by email during the public comment period of the August 2006 DSEIS. A copy of the form letter is enclosed in Appendix H, with a print out of the names of each individual who submitted the letter.

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## General Correspondence

Related to the Lake Okeechobee Regulation Schedule Study



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574 Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 - www.sfwmd.gov

December 20, 2005

Pete Milam U.S. Army Corps of Engineers CESAJ-DP-O 701 San Marco Blvd. Jacksonville, FL 32207

Dear Mr. Milam:

Subject: SFWMD Governing Board Resolution concerning Lake Okeechobee's Water

Control Plan and U.S. Army Corps of Engineer's Scoping Process

This letter is written for the purpose of transmitting the enclosed Resolution of the South Florida Water Management District (District's) Governing Board concerning Lake Okeechobee's Water Control Plan. This Resolution was passed unanimously at the Governing Board's October 12, 2005 meeting. It is my understanding a copy of this Resolution was provided to members of the District's Water Resource Advisory Committee members, including Dennis Duke and Beth Lewis of the U.S. Army Corps of Engineers (USACE) last fall. However, I wanted to be sure you also had a copy of the Resolution since you are the project manager for the USACE effort to modify the Lake Okeechobee Water Control Plan and this Resolution represents the District's position on the matters it requests be included in the USACE's Draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule

The Resolution requests the USACE, on a expedited basis, take the necessary actions to modify the Lake Okeechobee Water Control Plan for the purpose of achieving a more refined balance between the competing needs of the Lake ecosystem, estuarine ecosystems, the greater Everglades ecosystem, flood control, recreation, and water supply; achieving routine operation of the Lake at lower levels while addressing the Lake's multi-purpose objectives. Please note the Governing Board's Resolution specifically requests the USACE to assume the future presence of forward pumps in some of the alternatives considered when preparing the Draft SEIS for the Lake Okeechobee Regulation Study.

Pete Milam December 20, 2005 Page 2

Modification of the Lake's Water Control Plan is, by nature, controversial due to the many and often competing interests. The District looks forward to working with the USACE in a collaborative manner as the USACE works to modify the Lake's Water Control Plan.

Sincerely,

Kim O'Dell

Sr. Environmental Scientist Lake Okeechobee Division

South Florida Water Management District

#### Enclosure

c: Scott Burns, SFWMD
Dennis Duke, USACE
Susan Gray, SFWMD
Bob Howard, SFWMD
Beth Lewis, USACE
Elizabeth Ross, SFWMD
Garrett Wallace, SFWMD

## SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RESOLUTION NO. 2005-1029

A RESOLUTION OF THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT REQUESTING THE U.S. ARMY CORPS OF ENGINEERS, ON AN EXPEDITED BASIS, TAKE ACTIONS NECESSARY TO MODIFY THE LAKE OKEECHOBEE WATER CONTROL PLAN FOR THE PURPOSE OF ACHIEVING A MORE REFINED BALANCE BETWEEN THE COMPETING NEEDS OF THE LAKE AND ESTUARINE ECOSYSTEMS, AND THE GREATER EVERGLADES ECOSYSTEM, FLOOD CONTROL, RECREATION, AND WATER SUPPLY; AND ROUTINELY OPERATING THE LAKE AT LOWER LEVELS WHILE ADDRESSING THE MULTI-PURPOSE OBJECTIVES OF THE LAKE THROUGH INCLUDING CONSIDERATION OF THE INSTALLATION AND OPERATION OF FORWARD PUMPS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Water Supply and Environmental ("WSE") regulation schedule for Lake Okeechobee is established pursuant to federal law and is embodied in the Lake Okeechobee Water Control Plan ("WCP") developed concurrently with the Final Environmental Impact Statement ("FEIS") for the Lake Okeechobee Regulation Schedule Study and approved by Record of Decision dated July 7, 2000; and

WHEREAS, the U.S. Army Corps of Engineers ("COE"), Jacksonville District, issued a Notice of Intent on August 3, 2005 to prepare a Draft Supplemental Environmental Impact Statement for the Lake Okeechobee Regulation Schedule Study, that will supplement the FEIS for the Lake Okeechobee Regulation Schedule Study prepared in 2000; and

WHEREAS, the Project enabling legislation states that the Project must be maintained and operated in accordance with regulations prescribed by the Secretary of Army; and

WHEREAS, the South Florida Water Management District ("District"), as the local sponsor of the Central and Southern Flood Control Project ("Project") pursuant to section 373.103(2), Florida Statutes, is subject to and bound by the federally established Lake Okeechobee WCP; and

WHEREAS, the District may, pursuant to federal law, make recommendations or requests of the federal government concerning Lake Okeechobee operations; and

WHEREAS, the Lake Okeechobee WCP and associated federal laws recognize the multi-purpose nature of Lake Okeechobee operations and that operations provide for multi-purpose discharges from the Lake such as: flood control releases; water supply releases for estuarine, fish and wildlife, as well as human purposes; and releases for water quality purposes; and

WHEREAS, the health of Lake Okeechobee and its native plant and animal life have, for a variety of reasons, declined in recent years; and

· WHEREAS, some of the primary reasons for the decline in the Lake's health include consistently high water levels due to the current decadal cycle of above normal rainfall, excessive phosphorus loading, and rapid expansion of exotic plants; and

WHEREAS, in 2004 the Lake's health was also adversely affected by several hurricanes which exacerbated existing water quality and high water level issues; and

WHEREAS, high Lake water levels have also resulted in substantial discharges to the St. Lucie Estuary and Caloosahatchee River such that concern exists regarding the health of these waterbodies; and

WHEREAS, appropriate modifications to the Lake's regulation schedule are needed to better accomplish the multi-purpose Lake functions and to benefit the Lake and estuarine ecosystems, and greater Everglades ecosystem, particularly if made in conjunction with structural changes enabling water supply deliveries from the Lake at lower levels: and

WHEREAS, installation and operation of permanent forward pumps and other structural changes capable of conveying water supplies and discharging water out of Lake

Okcechobee at low levels would address the Lake's multi-purpose objectives as well as a lower Lake regulation schedule; and

WHEREAS, the current regulation schedule for Lake Okeechobee can be improved to enhance the health of the Lake and estuaries, and the greater Everglades ecosystem, while addressing the Lake's multi-purpose objectives; and

# NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT:

Section 1. The Governing Board of the South Florida Water Management District requests the COE, on an expedited basis, take actions necessary to modify the Lake Okeechobee Water Control Plan, including the Lake's Water Supply and Environment Regulation Schedule, for the purpose of achieving a more refined balance between the competing needs of the Lake ecosystem, estuarine ecosystems, the greater Everglades ecosystem, flood control, recreation, and water supply; and achieving routine operation of the Lake at lower levels while addressing the Lake's multi-purpose objectives through including consideration of the installation and operation of forward pumps; and

Section 2. The Governing Board of the South Florida Water Management District intends to support its request for expeditious modification to the Lake's regulation schedule by providing the COE with appropriate technical support; and

Section 3. The Governing Board of the South Florida Water Management District requests the COE to assume the future presence of permanent forward pumps in some of the alternatives considered when preparing the Draft Supplemental Environmental Impact Statement for the Lake Okeechobee Regulation Study; and

Section 4. The Governing Board of the South Florida Water Management District intends to engage in the modeling and design of permanent forward pumps in conjunction with the COE while the COE takes actions necessary to modify the Lake Okeechobee Water Control Plan; and

Section 5. The Governing Board of the South Florida Water Management District hereby encourages member counties of the Nine-County Coalition to adopt similar Resolutions; and

Section 6. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this

)

day of October, 2005.

SOUTH

FLORIDA

WATER

MANAGEMENT DISTRICT, BY ITS

GOVERNING BOARD

By:

Chair

District Clerk/Secretary

Approved as to form:

Bv:

Office of Counsel

STATE OF FLORIDA



### Office of the Governor

THE CAPITOL
TALLAHASSEE, FLORIDA 32399-0001

www.flgov.com 850-488-7146 850-487-0801 fax

April 28, 2006

The Honorable John Paul Woodley, Jr.
Principal Deputy Assistant Secretary of the Army
Civil Works
108 Army Pentagon, Room 3E446
Washington, DC 20310-0108

Dear Assistant Secretary Woodley:

Last night, I received a troubling report from the South Florida Water Management District about the integrity of the Herbert Hoover Dike. I am very concerned about a potential failure of the dike and the enormous impacts such a catastrophe could have on our state.

Hurricanes are a fact of life in Florida. Florida has experienced eight hurricanes – five of them major Category 3 or higher – during the last two years. As we approach the 2006 Hurricane Season, it is critical that the U.S. Army Corps of Engineers identify solutions to fortify the levee to protect the lives and property of thousands of Floridians in communities around Lake Okeechobee.

Please consider pursuing the following measures:

- O Adopt a regulation schedule to keep Lake Okeechobee at lower levels through the hurricane season.
- o Remove power poles from the toe of the dike.
- Begin daily inspections of the dike to ensure potential problems are identified early.
- o Provide materials, equipment and personnel to make emergency repairs when vulnerabilities are identified.
- o Accelerate repairs and rehabilitation currently underway.
- o Reevaluate the design of the repairs to ensure they provide adequate protection.
- Develop engineering solutions to strengthen the dike against wave action, storm surges and seepage-related erosion.
- Request congressional authorization to improve the Herbert Hoover Dike to dam standards.
- o Provide the best available data and evacuation support tools for hurricane threats to the State Division of Emergency Management.



The Honorable John Paul Woodley, Jr. Page Two April 28, 2006

I am committed to protecting the people in communities around Lake Okeechobee. My state emergency management team is briefing local officials on the status of the Herbert Hoover Dike next week. Our state team, working with county emergency management officials, will update evacuation plans to reflect this increased risk by the start of hurricane season.

A catastrophic failure of the dike will impact the lives and livelihoods of thousands of Floridians. It would be devastating to our economy, environment and quality of life. While preparing for the impacts of a dike failure is critical to prevent the loss of life, the priority should be preventing such a failure from ever occurring. For the long-term safety of residents and economic vitality of these communities, the Corps of Engineers must provide a permanent engineering solution to vulnerabilities of dike. I urge you to take immediate action to avert a potential disaster.

Thank you for your personal attention to this very important issue.

Sincerely,

Set Bur

Jeb Bush

cc: The Florida Delegation

South Florida Water Management District Governing Board

Craig Fugate, Director, Emergency Management

Secretary Colleen Castille, Department of Environmental Protection

The Honorable Clarence Anthony, Mayor, City of South Bay

The Honorable Steve B. Wilson, Mayor, City of Belle Glade

The Honorable J.P. Sasser, Mayor, City of Pahokee

The Honorable David McGee, Mayor, City of Moore Haven

The Honorable Randy Bengston, Mayor, City of LaBelle

The Honorable Mali Chamnes, Mayor, City of Clewiston

Palm Beach County Commission

**Glades County Commission** 

Hendry County Commission



# DEPARTMENT OF THE ARMY OFFICE OF THE ASSISTANT SECRETARY CIVIL WORKS

108 ARMY PENTAGON WASHINGTON DC 20310-0108

MAY 03 2006



Honorable Jeb Bush Governor of Florida The Capitol Tallahassee, Florida 32399-0001

Dear Governor Bush:

Thank you for your letter of April 28, 2006 concerning the importance of the Herbert Hoover Dike in providing flood protection during major weather events. I share your concern for the health and safety of the residents surrounding Lake Okeechobee during the upcoming hurricane season. The U.S. Army Corps of Engineers holds public safety as its highest priority. We will continue to take actions that put protection of the public above all other considerations. Lake Okeechobee water levels are managed to minimize risks for each hurricane season. The Herbert Hoover Dike safety enhancement activities provide for a wide array of preventive and protective measures, including increased on-site inspections as the prospect of damaging storms increases.

As you know, the Herbert Hoover Dike is an earthen dam that was built with natural materials in the 1930s, according to the construction standards of the time. The dike does permit some natural seepage from Lake Okeechobee; however, in some instances, this seepage creates internal erosion of the dike, creating small, subterranean tunnels that, if undetected and unchecked, may undermine the integrity of the dike. The Corps regularly monitors for this condition and takes immediate corrective actions to prevent erosion from leading to a failure of the dike. A rehabilitation project was approved in 2000, and construction on a 4.6-mile section of the dike near Port Mayaca is currently under way. This is the first of eight sections scheduled for rehabilitation.

Further, because the Corps recognizes that the dike is more stable when the water in Lake Okeechobee is maintained between 12 and 18.5 feet, we are currently studying the possibility of revising the approved lake regulation schedule to balance estuary health, a viable lake ecosystem, water supply, and public safety. The Corps lowered the water levels to a 14-foot elevation in mid-April, well ahead of our goal to reach that level by May 1<sup>st</sup>. Achieving lower lake levels during the dry season helps to prevent larger and potentially more environmentally damaging releases from the lake during the rainy season and as tropical storms and hurricanes become a threat.

The Corps has been engaged in discussions with the South Florida Water Management District and its independent consultants regarding the Report of Expert Review Panel, Technical Evaluation of Herbert Hoover Dike. The report confirms and validates concerns that the Corps has expressed for some time now, and which we

have already begun to address. The Corps is evaluating the consultant's report and will give every consideration to its recommendations.

I will address the nine specific concerns you identified in your letter:

- 1. Lower lake level in hurricane season: Lake Okeechobee has been lowered to an acceptable lake elevation for the beginning of the 2006 hurricane season. The Corps will continue to use its current authority to maintain the lake elevation at safe levels throughout the 2007 hurricane season. Further, we are in the process of studying the possibility of revising the approved lake regulation schedule to allow the lake to be managed at a lower average level year-round.
- 2. Removal of power poles: The Corps has and continues to coordinate with Florida Power and Light and with the South Florida Water Management District to remove and relocate power poles constructed on the dike and within the Herbert Hoover Dike right of way. We share your goal to have all power poles relocated off Herbert Hoover Dike project limits.
- 3. Daily inspections: The Corps has a rigorous inspection program, the frequency of which (from once every ninety days to daily) corresponds to lake pool elevations. Potentially vulnerable areas are identified through these inspections and additional monitoring takes place, even at lower lake elevations, as necessary.
- 4. Materials, equipment and personnel for emergency repairs: Just as the Corps prepared for Hurricane Wilma and previous storms, it will continue to provide all necessary materials, equipment and personnel to ensure that any identified vulnerabilities in Herbert Hoover Dike are quickly and efficiently repaired. Supplies are stocked at various locations around the Herbert Hoover Dike, and equipment is prepositioned prior to predicted storms to allow immediate access and ready availability in the event a repair is necessary. The Corps is presently positioning an additional 53,000 tons of rock and stone to augment its existing supplies.
- 5. Acceleration of repairs and rehabilitation: We are pleased to report that the erosion containment repairs and debris removal that were required as a result of the 2005 hurricanes have been completed. The first phase of the planned Herbert Hoover Dike rehabilitation project is currently under way. The President's budget for fiscal year 2007 includes \$39.884 million, which the Corps identified as its spending capability for the Dike, to continue this rehabilitation work.
- Repair design: Repair designs will be reevaluated to ensure optimal protection is provided under congressionally-authorized levels of protection and project requirements.
- Engineering solutions to strengthen the dike: All engineering solutions are, and will
  continue to be, developed to optimize dike strengthening allowed under current
  congressional authorizations.

- 8. Congressional authorization: I will review the need for new authorization and consult with other members of the Administration to develop new recommendations for authorizations as needed.
- 9. Data and tools to Florida Department of Emergency Management: Through our proactive dam safety program, the Corps consistently coordinates with state agencies responsible for emergency management preparedness and response. This includes, but is not limited to, regularly scheduled coordination meetings, training and providing data and information to assist in the development and/or updating of emergency evacuation plans and overall preparedness. Finally, inundation maps have been provided to the county emergency management offices, with copies to the Florida State Dam Safety Officer and South Florida Water Management District.

The Corps welcomes independent analysis and constructive feedback, and we take the panel's recommendations and the Governor's requests very seriously. We will review and consider all of these recommendations very carefully, while the Corps continues to implement all of the measures currently under way as part of Herbert Hoover Dike safety enhancement activities. The Corps has identified dam safety, seepage, and stability correction projects as its number one funding priority and will do everything possible to prevent a breach in the Herbert Hoover Dike.

We will continue to work with all parties to protect life, property and the environment in south Florida as we contribute as partners to the management of the state's vital water resources. Please do not hesitate to contact me if I can be of further assistance.

Very truly yours,

John Paul Woodley, Jr.
Assistant Secretary of the Army

John Paul Woodlay )

Civil Works



# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574 Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

August 24, 2006

FACSIMILE (904) 232-2200

Colonel Paul L. Grosskruger Commander and Chief Engineer Jacksonville District, United States Army Corps of Engineers Post Office Box 4970 Jacksonville, FL 32232-0019

Dear Col. Grosskruger:

Subject: Lake Okeechobee Regulation Schedule

I trust that your move to the Sunshine State is going smoothly and that you are settling in comfortably. In preparation for our meetings on August 28-29 and September 12-13, this letter will provide you background about one of the most pressing issues for the South Florida Water Management District (District) and the U.S. Army Corps of Engineers (USACE) – revision of the Lake Okeechobee Regulation Schedule – the "Water Supply and Environment" (WSE) Schedule.

Lake Okeechobee provides many important functions for natural systems and human activities in Central and South Florida. Primary among these are flood protection, water storage and flows for ecosystem restoration and sustainability, outdoor recreation, wildlife habitat; and, navigation. Lake Okeechobee is also the primary source of water supply for agricultural, public and private water supply users around the lake, and it is the backup water supply for urban service areas in the Lower East Coast, including Miami-Dade, Broward and Palm Beach counties. Water from the lake also helps coastal counties prevent saltwater intrusion by maintaining appropriate canal levels.

The District, as the local sponsor, is responsible for water management operations of the Central and Southern Florida Project (C&SF Project), except for Lake Okeechobee. The USACE operates the Lake Okeechobee structures and is responsible for development of all C&SF Project regulation schedules including the Lake Okeechobee Regulation Schedule. The USACE is also responsible for maintenance of the Herbert Hoover Dike. Since 2000, we've been working with the USACE to implement the WSE Schedule for Lake Okeechobee water level regulation which is included in the Water Control Plan. This schedule, developed over a six-year period, was intended to improve regulation of the lake for environmental purposes over the previous schedule. Actual operation of the WSE Schedule has not lived up to its promise.

GOVERNING BOARD

EXECUTIVE OFFICE

Colonel Paul L. Grosskruger August 24, 2006 Page 2

It lacks flexibility in decision-making and includes procedures that have not enabled timely and effective response to the extremes in weather we've experienced in particular, the extreme wet conditions experienced in 2003 through 2005. Obviously, issues regarding the integrity and safety of the Herbert Hoover Dike have also driven the need to amend the schedule.

The USACE has committed to producing an interim regulation schedule by December 2006 for implementation between 2007 and 2010 prior to improvements made by the construction and operation of Comprehensive Everglades Restoration Plan/Acceler8 and Lake Okeechobee and Estuary Recovery Plan (LOER) projects. A "Tentatively Selected Plan" (TSP) for revising the Lake Okeechobee WSE Schedule has been identified by the USACE and a draft Supplemental Environmental Impact Statement is due for publication this month.

As part of the process to create effective lake regulation schedule revisions, the availability of water from Lake Okeechobee for water supply purposes, particularly at low lake levels, must be evaluated. This in part includes evaluation of a revised "Supply Side Management Plan" (SSM Plan) applied by the District during droughts. Under the SSM Plan, water supply cutbacks are put in place for the consumptive uses of water from the lake. As you can see from the attached comments, several stakeholders have significant concerns about the frequency and duration of low lake levels and corresponding water shortage cutbacks that would likely occur under a revised regulation schedule. The modeling evaluation being conducted for the USACE Regulation Schedule TSP includes a surrogate water shortage management trigger line for estimating water supply implications. The District has worked with the USACE in estimating these impacts; however, a more refined SSM Plan is being developed for integration with the proposed TSP. A key action for revising the SSM Plan is installing temporary forward pumps to insure that water at levels below 10.2 feet could be used for water supply and provided to consumptive users. This is necessary because the ability to provide gravity deliveries from the lake at such levels is greatly reduced.

We have scheduled a series of Water Resources Advisory Commission (WRAC) meetings in late August and early September regarding Lake Okeechobee issues. The WRAC is the District's 48-member advisory body to the Governing Board and the South Florida Ecosystem Restoration Task Force. The WRAC reviews vital water resource issues and provides recommendations to the Governing Board and the Task Force. The WRAC meets monthly; and, annually with the Task Force.

+1 561 682 6200

Colonel Paul L. Grosskruger August 24, 2006 Page 3

In June 2005, the Governing Board appointed a 28-member WRAC Lake Okeechobee Committee of WRAC members and lake/estuary stakeholders, to recommend strategies to restore and protect Lake Okeechobee and the Caloosahatchee and St. Lucie

The status of the development of the SSM Plan and its integration with the proposed TSP, will be presented at a WRAC Issues Workshop at District Headquarters on August 28, summarized for the WRAC Lake Okeechobee Committee on August 30 in Orlando, presented to the full WRAC on September 7 in Naples, and finally presented to the SFWMD Governing Board on September 13 in West Palm Beach.

I have also attached a summary of the WRAC member (stakeholder) comments from the August 3 meeting, and the presentations regarding the above issues that were made to the WRAC Lake Okeechobee Committee by your staff and ours on August 3. Because the full WRAC does not meet in August, these comments were presented to our Governing Board on August 9, as "Stakeholder" comments by Governing Board member and WRAC Lake Okeechobee Committee Chair Malcolm "Bubba" Wade.

To help us come together on these issues, I respectfully suggest that we jointly assemble an experienced team of scientists, modelers and water management operations staff to work on these issues so that we can help you meet your goal of publishing a final Environmental Impact Statement by January 2007. As part of this process, my staff has indicated that further evaluation of possible effects of the TSP and Non-Typical Operations will occur over the next few weeks based upon all available information and comments.

I have asked Susan Gray, PhD., Deputy Director, Department of Water Resource Management and Ms. Susan Sylvester, Deputy Director, Department of Operations Control, to take the lead on assembling a comprehensive team from the District to work with the USACE on these issues. Our team will include estuarine and lake ecologists, water supply experts, modelers and our key experienced operations engineers. We urge the USACE to assign similar staff to this task, especially those with long term experience with operation of the C&SF project.

It would be helpful if you could provide an update about the status of the Independent Technical Review Team effort to evaluate the conditions of the Herbert Hoover Dike and the status of the USACE work on the design and implementation of repairs.

Colonel Paul L. Grosskruger August 24, 2006 Page 4

Thank you very much for scheduling time to meet with me. I am looking forward to our meetings. Please call me at (561) 682-6166 to let me know your thoughts about these issues. We will work with you to focus our efforts to develop the best possible revisions to the Lake Okeechobee Regulation Schedule.

Sincerely,

Carol Ann Wehle Executive Director

South Florida Water Management District

#### Attachments

c: Dennis Duke, Director, CERP Implementation, USACE Susan Gray, Deputy Department Director, SFWMD George Horne, Deputy Executive Director, SFWMD Chip Merriam, Deputy Executive Director, SFWMD Peter Milam, Project Manager, USACE Tom Olliff, Assistant Executive Director, SFWMD Susan Sylvester, Deputy Department Director, SFWMD

Inn Wella

# ATTACHMENT WRAC LAKE OKEECHOBEE COMMITTEE MEMBER COMMENTS AUGUST 3, SFWMD WRAC LAKE OKEECHOBEE COMMITTEE MEETING, WEST PALM BEACH, FL

#### Seminole Tribe:

- Revisions to the SFWMD Supply Side Management Plan are still being identified and evaluated and have not been part of the "TSP" evaluations. This causes concern about lower levels of the schedule and which water supply triggers will be used;
- If the "TSP" goes forward, serious water supply problems may result if there is a severe drought combined with high demand growth in the three years covered by the proposed interim schedule.

#### U.S. Fish and Wildlife Service (FWS):

- There had been agreement on the Project Delivery Team about a high end management level of 17.5'. That has now changed to 17.25'. The USACE should wait for the new SFWMD Supply Side Management Plan to be completed, before selecting an alternative because the current "TSP" could end up being the wrong alternative.
- Significant concern about extended periods of low water under the "TSP", particularly if the lake goes below 11' more often than every 5-6 years.
   Don't know at this time about finding "jeopardy" for the snail kite, but may have to issue the USACE an "incidental take" finding.
- Significant concern with the "TSP" regarding extended high wet season discharges to the Caloosahatchee Basin and impacts on sea grasses, especially if flows greater than 4,500 cfs last for an additional 3-4 weeks.
- o The interim schedule needs to eliminate damaging flows to the Caloosahatchee and St. Lucie estuaries.

### Florida Fish and Wildlife Conservation Commission (FWC):

 Adverse impacts from the proposed "TSP" will not only be more severe than the "WSE" Schedule for water supply, but also for lake ecology and the estuaries.

#### Florida Sugar Cane Growers Cooperative:

- The Lake Okeechobee Minimum Flow and Level rule must be modified and the SFWMD Supply Side Management Plan completed if the "TSP" is to be successful.
- Concerned about building forward pumps only to have the possibility of a jeopardy opinion issued by the FWS on the snail kite which could prohibit operation of the forward pumps when the lake falls below 10'. Asked for assurances from the FWS that pumps can be operated once built.

P.006

 Suggested 17.25' upper lake level constraint should be revisited because of potential adverse impacts to water supply.

#### United Waterfowlers of Florida:

 Concerned about how lake water releases will be governed under the "TSP".

#### Lee County:

- Lee County supports the objective of the Lake Okeechobee Regulation Schedule revisions but disagrees that the "TSP" is the best alternative.
- The 17.25' project constraint will likely result in Caloosahatchee taking an unfair share of high discharges. Need to go to 17.5' or 18.0'.
- 4,500 cfs at S-77 is a significant "harm" level for the Caloosahatchee estuary. USACE needs to include data from S-79 to evaluate total flows to the estuary.
- Use of a 17.25' level as a project constraint means more water must be discharged to the estuaries, and this results in a "new level of service" of flood protection for the lakeside communities.
- The water coming down the Caloosahatchee from the Lake is all "dirty" water. This has an adverse impact on the estuary.

#### City of Miramar:

Concerned about water supply performance under the "TSP"; there
appears to be more adverse impacts on water supply than with the
existing "WSE" schedule.



### DEPARTMENT OF THE ARMY JACKSONVILLE DISTRICT CORPS OF ENGINEERS P.O. BOX 4970

**JACKSONVILLE, FLORIDA 32232-0019** 

SEP 5 2006

Programs and Project Management Division North & Central Florida Management Branch

Ms. Carol Wehle **Executive Director** South Florida Water Management District Post Office Box 24680 West Palm Beach, Florida 33416-4680

Dear Ms. Wehle:

This is in response to your letter dated June 1, 2006, concerning the use of certain South Florida Water Management District (SFWMD) owned lands for emergency storage of Lake Okeechobee regulatory water releases.

I commend the SFWMD for aggressively moving forward with land purchases in support of the Greater Everglades Comprehensive Everglades Restoration Project. I also appreciate the offer of making these certain tracts of land available to the U.S. Army Corps of Engineers (Corps) for our immediate use if regulatory releases are required this year in managing Lake Okeechobee water conditions, so that the coastal estuaries would not have to bear the full burden of the regulatory flow releases. The management of flow releases from the lake is a complex issue and your insights and support are greatly appreciated.

In discussions with Mr. John Dunnuck of your staff, concerning the possible use of these lands for emergency storage of Lake Okeechobee discharges, it appears that these tracts of land currently have challenges in conveyance of Lake Okeechobee water onto or off of these sites, as well as not having containment systems in place for storing water. Although this suggestion has merit, without specific Federal authority, funding, and environmental coordination, the Corps is unable to move forward in readying these sites to receive regulatory releases from Lake Okeechobee. However, I would like to use this opportunity to explore with you ways that we could work together in readying these tracts of land to receive Lake Okeechobee water releases, as well as exploring opportunities in utilizing the Rotenberger, Holey Land, and other tracts of land for emergency storage, as was done in 2004.

I suggest that our technical staff schedule a one-day meeting to explore these and other opportunities. Mr. Pete Milam, Senior Project Manager, at 904-232-3432, will be in contact with Mr. John Dunnuck to confirm a date. I greatly value the partnership between the SFWMD and the Corps and aim to bring our relationship to even a higher level. I agree that there is great

potential ahead in supporting Acceler8 and other initiatives that better manage and utilize our precious water resources.

Sincerely,

Paul L. Grosskruger Colonel, U.S. Army District Commander

#### Copies Furnished:

Mr. Kenneth Cuyler, City Attorney, 800 Dunlop Road, Sanibel, Florida 33957

Ms. Tammy Hall, County Commissioner, Lee County, District 4, Post Office Box 398, Fort Myers, Florida 33902-0398

Ms. Carla Johnson, Mayor, City of Sanibel, 800 Dunlop Road, Sanibel, Florida 33957-4096

Mr. John Dunnuck, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680

Mr. George Horne, South Florida Water Management District, Post Office Box 24680, West Palm Beach, Florida 33416-4680



### SOUTH FLORIDA WATER MANAGEMENT DISTRICT

S. F. W. M. D.

(561) 697-2574 V

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574 Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

September 18, 2006

FACSIMILE: (904) 232-2200

Colonel Paul L. Grosskruger U.S. Army Corps of Engineers Jacksonville District P.O. Box 4970 Jacksonville, FL 32232-0019

Dear Colonel Grosskruger:

Thank you for your letter dated September 05, 2006 responding to the offer to use land owned by the South Florida Water Management District (SFWMD) for emergency storage of Lake Okeechobee regulatory water releases.

We have taken your concerns regarding containment systems and the conveyance of Lake Okeechobee waters onto or off the proposed sites into consideration. However, due to the critical need to provide immediate relief to the Caloosahatchee and St. Lucie estuaries, the SFWMD plans to immediately move forward and pursue the proposed lands as options for additional water storage.

In the meantime, SFWMD Deputy Executive Director of Water Resources Chip Merriam will contact your staff soon to continue discussions relative to the outlined parcels. We look forward to continuing to work with the Corps to explore and ready these and other available tracts of lands for additional water storage.

Sincerely,

Carol Ann Wehle Executive Director

CAW/rw

Ç:

Ken Cuyler, Sanibel City Attorney
Tammy Hall, Lee County Commissioner
Carla Brooks Johnson, Mayor, City of Sanibel
John Dunnuck, SFWMD
George Horne, SFWMD
Chip Merriam, SFWMD

Esse Chen Well

GOVERNING BOARD

**EXECUTIVE OFFICE** 



### SOUTH FLORIDA WATER MANAGEMENT DISTRICT

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October 4, 2006

Dennis R. Duke, P.E.
Chief, Restoration Program Division
U.S. Army Corps of Engineers
Jacksonville District
PO Box 4970
CESAJ-DR
Jacksonville, FL 32232-0019

Dear Mr. Duke

I understand from speaking with David Apple and Dan Crawford that U.S. Army Corps of Engineers (USACE) will be conducting sensitivity runs regarding the Tentatively Selected Plan (TSP) for the Lake Okeechobee Regulation Schedule Study (LORSS) in response — in part — to public comments received on the Supplemental Environmental Impact Statement (SEIS). I also understand there is some uncertainty on the part of USACE's management as to whether to include the latest version of South Florida Water Management District's (District) DRAFT Lake Okeechobee Water Shortage Management (LOWSM) Plan — formerly referred to as Supply-Side Management (SSM) — as part of the sensitivity run. I believe that the current version of the LOWSM plan should be included as part of the sensitivity runs based on the following:

- The one-foot lower SSM trigger line used in the TSP was a surrogate provided at USACE's request in Feb. 2006 to meet the LORSS schedule for completion in Jan. 2007 -- for the revised SSM plan now known as LOWSM. We believe the LOWSM assumptions now constitute the best available information and should be used in place of the one-foot surrogate.
- The LOWSM Plan although not formally adopted by the SFWMD GB was discussed at both the September WRAC and GB meetings with no objections noted.
- The LOWSM Plan was discussed at a meeting in late August of agricultural interests and no objections were noted.
- The LOWSM Plan improved water supply performance with no deleterious effects to other performance measures.
- Having raised concerns regarding this issue several times over the past few
  months, it was the District's understanding that USACE's strategy of modeling
  the TSP and a sensitivity run with the current trigger line both included in the
  SEIS provided two end members, and as long as LOWSM performance fell
  between these two end members, then the LOWSM Plan would be included
  without affecting the LORSS project schedule.

Mr. Dennis Duke October 4, 2006 Page 2

• To the extent that some of the TSP sensitivity run assumptions attempt to improve estuary performance measures – most likely at the expense of water supply performance – it would seem prudent to incorporate the LOWSM plan assumptions that might ameliorate these effects.

• It's my understanding that a conversation between you, Mr. Michael Collins, SFWMD Governing Board Member, and Scott Burns resulted in an

understanding that the final TSP would include the LOWSM Plan.

For these reasons, I think it is prudent to incorporate LOWSM Plan assumptions into any TSP sensitivity runs to be conducted by USACE in the near future. Please advise if I can be of-further assistance in resolving this matter.

(' 1/h

Sincerely,

Chip Merriam
Deputy Executive Director

Water Resources

cm/le

c: Pete Kwiatkowski Pete Milam, USACE .

### **Comment Matrix**

Public/Agency Comments and Corps Responses From the August 2006 Draft Supplemental Environmental Impact Statement

	Comment	Response
	Federal Agencies	
	US Department of Commerce, NOAA, National Marine Fisheries Service; David M. Bernhard, Assistant Regional Administrator for Protected Resources 09/27/06	
NMFS1	NMFS has reviewed the draft SEIS; the information provided is insufficient for us to evaluate the direct, indirect, and cumulative effects of the preferred alternative on listed species designated under the ESA within our purviewIn order to evaluate the range of possible effects to listed species, NMFS requests that the COE's BA be amended to include the following:	NMFS comments 1-8 have been addressed in the revised draft SEIS and by separate cover letter.
NMFS 2	1. Full describe all possible direct, indirect, and cumulative effects to listed species from the preferred alternative.	Reference SEIS Sections 5.2.2, 5.4.2 and 5.21.
NMFS 3	2. Fully describe interrelated and interdependent actions.	Reference SEIS Section 5.21, cumulative effects.
NMFS 4  NMFS 5  NMFS 6	3. Please provide the best available information concerning seagrasses that may be present at the mouth of the St. Lucie and Caloosahatchee Rivers. We are especially concerned regarding potential effects to Johnson's seagrass that may be present at or in close proximity to the mouth of the St. Lucie River. Please state whether Johnson's seagrass will be directly or indirectly affected by the proposed freshwater releases. A seagrass survey within the action area may be needed to determine presence or absence of Johnson's seagrass. The St. Lucie Inlet is designated critical habitat for Johnson's seagrass. The revised BA should clearly state whether the St. Lucie Inlet is part of the action area for the proposed project. If the St. Lucie Inlet is part of the action area, the COE should make a determination regarding designated critical habitat for Johnson's seagrass.  4. Please state whether mangroves would be affected by the proposed freshwater releases.  5. The draft SEIS states flow range greater than 2800 cfs can be significantly damaging to the estuary (pg 125). Please state the time of the year when high-volume releases (i.e., releases greater than 2800 cfs) would occur and what is the	Refer to revised draft SEIS. In particular, Section 5.3.9.  Refer to SEIS Section 5.2.2.  Refer to SEIS Section 5.2.2 and 5.4.2. Tables indicating flows for each alternative are listed in these sections.
NMFS 7	than 2800 cfs) would occur and what is the anticipated frequency of high-volume releases into the St. Lucie and Caloosahatchee Rivers.  6. Describe after-action changes to the action area.	Refer to Environmental Effects Section 5.
NMFS 8	7. Describe measures that will be implemented to avoid or minimize adverse effects and enhance beneficial effects to listed species and their habitats (whether designated or not).  US Environmental Protection Agency 09/28/06	Refer to SEIS Sections 5.2.2, 5.4.2, 5.5, 5.3.8, 5.3.9, 5.26.
EPA 1	Regardless of the alternative selected in the Final SEIS (FSEIS), we agree with the use of supplemental implementation of Non-Typical Temporary Operations (NTOs), as appropriate, to provide greater flexibility. However, NTOs should not only be used to adapt the selected schedule for the unusual events referenced on page	Refer to Appendix A for revisions.

	1 22 2	
!	55 (weather conditions, managed Lake recessions,	
	low volume releases), but also for certain	
	environmental conditions that may need NTO	
	supplementation (e.g., red tide or other harmful	
	algal bloom episodes that could be exacerbated by	
	additional, nutrient-rich pulse flows: anomalies	
	during atypical years such as a delayed spawning	
	season.	
EPA 2	Additional clarification requested for the FSEIS	Refer to SEIS Sections 5.14 and 5.21.
	primarily includes water quality information for	
	the existing conditions of the lake and estuaries as	
	well as the potential effects of the proposed new	
	schedule on Total Maximum Daily Load (TMDL)	
	goals.	
EPA 3	Description Summarysuggest that the	Each alternative is a variation of operational rules
	descriptions in Chapter 2 include a brief summary	to determine when, where, and how much water
	paragraph for each alternative that describes and	will be released from the lake to downstream
	compares the alternative to the No Action WSE in	systems. The best way to display this information
	layman terms.	is in charts and guideline trees for each alternative
ED + 4	T	developed.
EPA 4	Temporary Pumps (Section 2.2, pg. 13 last para).	Refer to SEIS sections 2.3, 2.5 and 5.21.
	The relationship between the South Florida Water	
	Management District (SFWMD) proposed	
	"temporary pumps" (400-600 cfs) to be located at	
	Lake discharge structures S-354, S-351 and S-352,	
	should be more fully discussed in the	
	FSEISthe lowering of the Lake schedule	
	stages and the ability that the "temporary pumps"	
	provide to deliver drought period water supply	
	deliveries to the downstream EAA and the Lower	
	East Coast, should be fully described and explained. Also, the ongoing, Section 404 permit	
	application by the SFWMD, to receive federal	
	authorization to construct and locate these pumps,	
	should be fully described and discussed in the	
	FSEIS.	
EPA 5	Ranking Summary – We not that ranking the	The revised draft SEIS presents the effects of all
LIAJ	performance of the alternatives (Chapter 4) was	alternatives, in no ranking order.
	discussed in the documentsuch a summary	4.10.1.10.1.10.1.10.1.10.1.10.1.10.1.10
	does not appear to exist in the DSEIS. Although	
	tables documenting the performance of	
	alternatives are provided (pp.107-110),	
	performances should also be ranked for each	
	parameter in the FSEIS and related to the selection	
	of an overall preferred alternative. The bases of	
	the rankings should also be provided and a tabular	
	ranking format is recommended.	
EPA 6	Alternative 1bS2-m Flows – Alternative 1bS2	Additional plan formulation and modeling was
	seems to perform better in controlling long flow	completed to improve estuary performance, while
	durations and high volume flows to the two	limiting impacts to other physiographic areas
	estuaries than the COE's preferred alternative	within the study area. The results of the additional
	(1bS2-m), while being similar in mean monthly	planning phase resulted in a revised draft SEIS,
	flows and during critical periods (pp. 107-110:	instead of finalizing the August 2006 draft SEIS.
	Tables 5-1 to 5-6). The FSEIS should discuss if	
	these high flows and durations (Tables 5-2 and 5-	
	5) to the estuaries are perhaps	
	beneficialneeded to control saltwater	
	intrusion. If not, and assuming such flows are not	
	beneficial to the estuaries, the FSEIS should	

	overall COE-preferred alternative over 1bS2 (or other alternatives).	
EPA 7	Nomenclaturewe suggest that future EISs	The Corps concurs with this statement. Simplified
	ultimately have a simplified nomenclature such as Alternative 1,2,3 or A, B, C or perhaps 2-m, or A-2 for late modifications.	nomenclature was used in the revised draft SEIS.
EPA 8	Estuarine Water Quality Effects – Table 2-2	Refer to above response to EPA 2.
	concludes that all alternatives (WSE and five	•
	action alternatives) would have "no adverse	
	effects" on water quality. Considering that	
	additional flows of nutrient-rich freshwaters would	·
	likely be released to the estuaries and/or the STAs	
	and Everglades under the proposed new release schedule emphasizing lower lake levels, this "no	
	adverse effect" conclusion may be inaccurate. We	
	also note (pg 123) that discussions regarding	
	effects on the Florida Department of	
	Environmental Protection (FDEP) TMDL goals	
	are still being discussed with the FDEP and that	
	"this discussion will be on-going." The FSEIS	
	should provide an update to these ongoing	
	discussions and any conclusions made.	
	Table 2-2 should also be expanded to address	
	water quality in the Lake, in each estuary and in	
	the Everglades.	D.C. 1
EPA 9	Littoral Cleansing - Section 5.5.1 (Environmental	Refer to above response to EPA 2.
	Effects, Fish & Wildlife Resources- Lake Okeechobee) should be expanded in the FSEIS to	
	more fully describe the relationship between	
	extended Lake high water stages and reduced	
	capacity of the littoral zone marsh and SAV	
	resources to cleanse Lake shallow water areas of	
	nutrients and total suspended solids (TSS).	777.4.0
EPA 10	Nutrient Loading – Section 5.15 (Environmental	Refer to above response to EPA 2.
	Effects, Water Quality) in the FSEIS should provide an analysis of annual nutrient loading (TP	
	and Total Nitrogen: TN) from the Lake to the St.	
	Lucie and Caloosahatchee estuaries, comparing the	
	effects of the LORSS alternatives and the WSE.	
EPA 11	Salinities - Page 90 states that "minimizing	A new Preferred Alternative has been selected
	flows>2000cfs would provide a salinity range	which benefits releases to the estuaries. One
	more favorable to SAV." The FSEIS should	important operational change from the No Action
	substantiate this flow rate and cite a favorable	to the Preferred Alternative is the built in
	salinity range(s) for relevant seagrass species in	flexibility of the Preferred Alternative to provide relief to the estuaries. This was accomplished by
	both estuaries, particularly the Caloosahatchee Estuary. We also note (pg.102) the conclusion that	providing the ability of the Preferred Alternative
	"the Corps has determined that the preferred	schedule to make long-term, low volume releases
	Alternative, 1bS2-m, is not likely to adversely	to the estuaries, when the estuaries would benefit
	affect Johnson's seagrass." This conclusion	from such release. These releases include low-
	should be further discussed considering that 1bS2-	volume pulse releases and base flow releases. The
	m is predicted to produce high flows and long flow	intent of the releases is to maintain desired salinity
	durations, which could affect estuarine salinities.	in the estuaries, and reduce the potential for future
	Page 106 indicates that flows of >4500 cfs, which	prolonged high-volume releases that may be damaging marine flora and fauna. Also refer to
	are predicted for all alternatives (pg. 109), can even affect salinities as far downstream as San	Section 5.22.
	Carlos Bay.	Section 5.22.
EPA 12	Upstream Reach of Caloosahatchee River –Section	The Caloosahatchee River upstream of S-79 has
	4.4.2 (Affected Environment-Northern Estuaries)	been altered by shoreline development and
	in the FSEIS should provide a brief description of	stabilization, and channelization. A few original

ut the Preferred
ot adversely affect
ltural resources,
this section of the
nd 5.21.
ed see improvements
A for revisions.
TA IOI ICVISIONS.
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on 5.21) has been re-
ents.

	US Department of the Interior, Terrance Salt,	
1	Director of Everglades Restoration Initiatives,	
•	10/12/06	
DOI 1	The Department expects that the effects of non-	Refer to SEIS Section 5.21, Cumulative Effects.
•	CERP projects, such as Modified Water Deliveries	
	to Everglades National Park and the Combined	
	Structural and Operational Plan, will be included	
	in Phase 3 and we recommend that the DSEIS be	
	amended to reflect this expectation.	
DOI 2	the Department recommends the institution of a	The Corps will recommend to SFWMD to include
	weekly coordination forum during Supply Side	DOI in weekly environmental coordination
	Management operations (such as the coordination	meetings.
	meeting that currently occurs quarterly between	
	partner agencies related to supply-side	
	management) to create a dialogue and coordinate	
	efforts to ensure that Refuge resources are	
	protected during drought conditions.	
DOI 3	As it is not explicitly stated in the DESIS, the	The Corps has every intention to meet applicable
	Department believes it is important to reflect in the	state and federal water quality requirements.
	DSEIS that all releases to the marsh areas will	
	meet applicable State and Federal water quality	
	requirements.	Di
DOI 4	The Department recommends that the SEIS	Please refer to Appendix A for revisions.
	describe more fully the operational guidance for	
	"Make-up Releases" including the temporal and	
	volumetric limits for these releases and the	
	accounting methodology. The SEIS should also	
	describe the notification protocols whenever "Make-up Releases" are implemented.	
DOI 5	Although some events, such as hurricanes, are	Please refer to Appendix A for revisions.
טטו ז	certainly events that could justify NTO, it is not	1 louise refer to repending 11 for 10 visions.
	clear how other conditions would trigger the NTO.	
	The Department recommends that the TSP	
	describe in greater detail the deliberation,	
	coordination, and notification process that would	
	lead to a decision to invoke NTO.	
DOI 6	Table 2-2: Summary of Direct and Indirect impact	Refer to SEIS sections 5.14 and 5.21.
FWS	(page 34) and Section 5.15 Water Quality (page	
	123). The SEIS states that there will be no adverse	
	effects to water quality for all alternatives. It	
	appears as though the Corps' water quality	
	evaluation was limited to only water quality within	
	the lake. The TSP is sending, on an annual	
	overage, 84,780 acre/feet more water to the	
	Caloosahatchee estuary. As discussed elsewhere	
	in the SEIS, the quality of this additional water is	
	worse than water sent to the Caloosahatchee in	
	past years. Further analysis of the impacts of this	
	degraded water on the Caloosahatchee estuary is	
D.C	warranted.	Places refer to Annandiy A for revisions
DOI 7	Figure 3-4 (page 39) and Figure 7 in Appendix A	Please refer to Appendix A for revisions.
FWS	(page A-12). The Service does not believe that	
	this figure and specifically, the "Operational	
	Guideline" displayed in this figure provide additional valuable information about how the	
	Corps intends to manage water in the lake. We	
	believe that Figures 4 through 6 of Appendix A	
	provide a clear and sufficient description of the	
	Corps' plan. The operational bands in Figure 4	
	and the decision tress in Figures 5 and 6 (in	
	and the decision dess in Figures 5 and 6 (in	

	Appendix A) provide identifiable decision points	
	that have proven to be useful in explaining	
	operational decisions to the various stakeholders,	
	while providing, in our opinion, more than	
	adequate operational flexibility to the Corps. We	
	believe that Figures 3-4 and Figure 7 should be	
	eliminated from the description of the plan,	
ļ	because they oversimplify (release above the line	
	and hold below the line) the complex issues	
	surrounding management of the lake and could	
	confuse stakeholders.	
DOI 8	Section 3.1.2. Lake Okeechobee management	Refer to Appendix A for revisions.
FWS	Bands (page 42). One difference between Sub-	Total to Appendix 12 for 10 violation
1 ***5	Band 1/No Flow and Sub-Band 2/Base Flow is	
	that no base flow is sent to the Caloosahatchee	
	estuary in Sub-Band 1, despite the fact that water	
	supply cutbacks are not yet implemented. It has	
	been brought up several times by public and	
	agency comment in previous public meetings, and	
	during the team meetings for this project's	
1	evaluation, that the concept of "shared adversity"	
	should be extended to include base flows (or the	
	lack thereof) to the estuary. The Caloosahatchee	
	appears to be burdened with an unfair portion of	
	the adversity; cutbacks on Caloosahatchee	
	deliveries occur prior to other water users. The	
	Service recommends that base flow to the	
	Caloosahatchee should extend to the bottom of the	
	Operational Band, and should not be curtailed until	
	Supply-Side Management for water supply goes	
	into effect.	
DOI 9	The report does not include in its evaluation the	Duration of flows to the estuaries is represented in
FWS	number of high flow events that last longer than 12	SEIS tables 5-3 and 5-5.
	weeks, of which the TSP has 13 occurrences.	
DOI 10	Section 5.28. Compliance with Environmental	To evaluate the various alternatives with the No
FWS	Requirements (page 126). The section should	Action Alternative, three PMs were used as
	reference the Wilderness Act of 1964. Portions of	described in SEIS Section 3.3.2. Caloosahatchee
	the J.N. "Ding" Darling national Wildlife Refuge	Estuary performance for the lower estuary, which
	are designated as Wilderness under the act, and	includes the area near Sanibel Island, was
	this document should evaluate project impacts to	considered in the evaluation.
	these areas accordingly.	The state of the s
DOI 11	We recommend that the Corps summarize all of	The managed recession will not be a component of
1		the Preferred Alternative. Refer to SEIS Section
FWS	the literature that followed the managed recession	3.4.2 for information regarding the Corps' decision
-	in 2000, with particular emphasis on two	
	summaries by Dr. Karl Havens from 2005, which	to not include the managed recession in the
	we have forwarded via email to the Corps'	Preferred Alternative analysis.
	Jacksonville District. After expanded discussion	
	of the Corps' opinion regarding the more recent	
	analyses, we recommend that the Corps add a	
	separate section describing the proposed	
	parameters of future managed recessions (e.g. 12	
	foot stage for 12 weeks, or some other	
	recommendation).	
	We feel that the most important ecological factor	
	has not yet been addressed in Appendix F – the	
	intended return frequency of these managed	
		1
	recessions. We recommend that theses events not	
	recessions. We recommend that theses events not be planned any more frequently than, on average,	

	that this would provide a favorable balance	
	between the role of drydowns in long-term	
	maintenance of desirable submerged and emergent	
	vegetation in the lake; and the need to allow the	
	apple snail population to recover after drying	
	events to support the endangered snail kite and	
	other species that prey upon the. We also	
	recommend that nay unplanned events (droughts	
	without active lowering of the lake) which meet	
	the established criteria in the preceding decade be	
1	counted in the calculation of the average return	
	frequency.	
DOI 12	The Managed Recession Decision Tree on page F-	Refer to response above for DOI 11 FWS.
FWS	9 should to have a key included, or it should be	
	explained in detail within the text of this appendix.	
	What is the scientific foundation of the 20,000	
	acre recovery threshold? Also please describe the	
	seed bank evaluation, and how it will be	
	incorporated into the decision making process.	
	What is meant by "Major Weather Event", and	
	how do they affect the decision to pursue the	
	managed recession for the year? Does this	
	category include both wet and dry events, such as	
	hurricanes and droughts? And does a Major	
	Weather Event refer to only events that have	
	occurred during the year prior to the planned	
	recession, or potential events in the future	
	forecast?	
DOI 13	Page 96 and Figure 5-8 Section 5.2.2. Estuarine	Comment has been addressed in revised draft
USGS	Vegetation	SEIS.
	The text and figure describe the total number of	
	weeks that model predicts water depths greater	
	than 2.5 feet under the various alternatives. The	
1	text explains the total number of weeks should not	
	exceed 17 per year; however, whether or not a	
	particular alternative exceeds this criteria in a	
	given year cannot be determined (except on	
	average) from the figure.	
	there is a machlem with the way is on Figure 5.9	
	there is a problem with the y-axis on Figure 5-8	
	- for all alternatives, the number of inundation	
	weeks, varying form 2,265 to 2,341, exceed the	
	total number of weeks in the 36-year simulated	
DOI 14	period of record.  Limitations of TSP model output and information	The standard SFWMM output includes daily stage
DOI 14	needs	data for three gauge locations in WCA-1 (gauges
USGS	For evaluation purposes, the South Florida Water	1-7, 1-8T, and 1-9). Indicator Region output is also
	Management Model (referred to as the 2X2 model)	available in the performance measure sets for three
	uses the 1-7 gauge to characterize water levels in	WCA-1 indicator Regions: North (IR 100), Central
	the Refuge as a whole. Because of the large area	(IR 101), and South (IR 102). Simulation results
	of the Refuge and a 5 ft difference in soil elevation	for the three Indicator Regions are discussed in
	between the north and south of the Refuge,	Appendix E.
	examining model output for the 1-7 gauge does not	Tipponum D.
	provide a reliable picture of changing water levels	
	for the Refuge as a whole. The 1-7 gauge is	
	located in the center of the Refuge and	
	characterizes the least hydrologically impacted	
	area; in general, the north is too dry, and the south	
	too wet. For better spatial coverage, model	
	evaluations should be coupled with output for the	
1	to the straight of the complete with output for the	

	107 27 4 17 9 4	
	1-9 Lox North and Lox South gauges.	
	Chata A a series	
	State Agencies	
	Florida State Clearinghouse: 10/16/2006	
	The Florida State Clearinghouse received State	
	agency comment letters and collectively forwarded	
	them to the Corps. These letters are referenced	
]	below from Department of Agriculture and Consumer Services, DEP Water Quality Standards	
1		
	and Special Projects Program, Division of Historical Resources Bureau of Historic	
	Preservation, and SFWMD	
	South Florida Water Management District, Carol	
	Ann Wehle, Executive Director 10/12/06	
CEUMD	Non-Typical Operations concern. The District's	Please refer to Appendix A for revisions.
SFWMD	primary operational concern with the TSP centers	riease telef to Appendix A for revisions.
1		
	upon the NTOs provisions. The operational	
	criteria defining when to switch to NTOs operations were not analyzed as a part of the TSP	
	alternative; therefore, it is difficult to predict Lake	
	operations and their corresponding effect on the	
	various PMs. The FEIS should detail the proposed	
	action and its expected performance.	
	action and its expected performance.	
	All references to Alernative 2a and 2a-m should be	
	removed from the NTO discussion.	
SFWMD	The District still wants the Managed Recession	Reference response above to comment DOI 11
2	NTO in the revised schedule. SFWMD has	FWS.
-	modified original Managed Recession document,	
	contained in the DSEIS, as Attachment F and ask	
	that the Corps include it in the FSEIS.	
SFWMD	High wet season discharges concern s. We	Revisions have been made. Refer to Appendix A
3	encourage the Corps to continue to test ideas	for revisions.
	designed to reduce the number of high discharges	
	to the Caloosahatchee Estuary. Also, to reduce	·
	the additive impacts of regulatory releases from	
	the Lake at S-77 and high runoff from the C-43	
	basin on the Caloosahatchee Estuary, the District	
	tested and proposes and idea for further evaluation.	
	The idea is to measure pulse releases at the coastal	
	structure S-79 rather than at the point of release	
	from the Lake, S-77. Screening model results	
	indicate this idea helps reduce the number of	
	exceedences of high flows greater than 4500 cfs at	
077777	S-79.	Defends CEIC for the believe of
SFWMD	Please clarify the nature of the base flows to the	Refer to SEIS for the balance of competing project
4	Caloosahatchee Estuary.	purposes. Refer to Appendix A for revisions.
SFWMD	District provided the Corps (included in comment	Based on the recommendation of SFWMD, the
5	pkg) the Lake Okeechobee Water Shortage	October 2006 draft LOWSM plan provided by SFWMD was incorporated in SFWMM alternative
	Management (LOWSM) plan. This plan will	modeling and evaluations for the 2007 LORSS
	replace the current Supply Side Management (SSM) Plan and the surrogate lowering of the	SEIS. Details of the LOWSM plan can be found in
	trigger line by one foot in the TSP. Please remove	Appendix G.
	any reference to the previous SSM Plan and	Trepandin C.
	replace these references with the LOWSM plan,	
	while noting that the assumptions made in the	
	DSEIS concerning the replacement of the SSM	
	Plan have been validated by the contents of the	
	LOWSM Plan.	
SFWMD	Schedule produces lower stages which require	The SFWMD is responsible for water supply
	1 h	A

6	forward pumps. The Corps' final SEIS should clarify several considerations associated with low	allocation from Lake Okeechobee when lake elevations meet a certain level as determined by
	Lake operations. The District's main function during drought conditions is to equitably apportion available Lake water among all users. Water is delivered for many purposes during drought, i.e. salt water intrusion in aquifers on both coast, to supplement water deliveries from the WCAs, and to address various environmental water supply needs such as Everglades fire protection. The EIS should reflect all such reasons as District role in drought situations.	the schedule. Within the schedule, this level is identified as the beneficial use zone or band. The SFWMD uses a Lake Okeechobee Supply-Side Management Plan to manage these water supply releases during droughts. The releases may be municipal and agricultural water supply, releases to maintain appropriate salinity envelope in the estuaries, environmental releases south, or any other beneficial uses the SFWMD deems appropriate. The State's decision regarding appropriating water releases is not determined by the Corps, unless the release would interfere with Federal project purposes. Reference SEIS Section 2, in particular sections 2.1, 2.3, 2.4 and 2.5.
SFWMD 7	The SEIS should note that the LOWSM operations were designed to "match" the water level and water supply performance of the Corps' proposed schedule. Therefore, the delivery of water supply to the LOSA via LOWSM will not cause the Lake levels to decline blow levels contemplated in the Lake Regulation Schedule.	Revisions have been made in the draft SEIS to reflect comment.
SFWMD 8	The Lake schedule produced lower stages which reduce operating capability of lake inflow structures. Maximum head criteria may need to be reevaluated by the Corps. The current criteria limits the head across the structures and thus releases must be made to preserve the maximum head. Such releases lower the headwater stages and reduce the water supply capability of the system.	The Lake Okeechobee regulation schedule balances competing project purposes. The inflow structures will be operated not to exceed their operating criteria.
SFWMD 9	Water availability impacts. The DSEIS does not appear to adequately address certain issues regarding reduction of backup water supplies given the overall lower lake level caused by the proposed schedule. The FSEIS should provide more detail on issues associated with reliance on the forward pumps such as: evaporation losses, conveyance limitations, and lake ecology impacts. FSEIS should expressly recognize that less water, as a whole, will be available to meet demands during the dry season and should also identify the associated implications of this situation.	Revisions have been made throughout the draft SEIS to reflect comment.
SFWMD 10	The proposed schedule will violate the District's Lake Okeechobee minimum flows and levels (MFL). As such, the District is preparing and MFL Recovery Plan that will be incorporated into the Lower East Coast Regional Water Supply Plan. This document will address Lake restoration efforts that the District will implement when Lake levels exceed or violate the MFL. These periods will allow the District to conduct native aquatic and tree planting, sediment scraping, dredging, and other habitat enhancements, which may include the possible supplementation of apple snail populations.	Comment noted. The effects of extreme low lake levels were evaluated in the revised draft SEIS. Additionally, refer to SEIS Section 5.21, Cumulative Effects.
SFWMD 11	Revisit the 17.25 constraint.	The 17.25 constraint was relaxed from a constraint to a performance measure. Refer to SEIS Section 2 for discussion.

CENTAID	The ECCIC should make clear that the forward	Defen to CEIC Costion 2 and 5 21 for discussion
SFWMD 12	The FSEIS should make clear that the forward	Refer to SEIS Section 2, and 5.21 for discussion.
12	pumps and LOWSM are the integral tools needed	
	to meet the water supply demand of environmental, ag, urban, and tribal interests	
	within the new schedule.	
SFWMD	As in the drought of 2000-2001, given this	All proposed deviations are analyzed under their
13	experience, the District encourages the Corps to	own merits, conditions prevailing/expected and
13	recognize in the FSEIS the opportunities to	existing water control plans.
	accomplish multiple C&SF system objectives by	existing water control plans.
strategically authorizing temporary deviations in		
	other water bodies during droughts.	
SFWMD	Seminole Tribe Concerns. Additional discussion in	Concur. Refer to SEIS Section 5.19.
14	SEIS regarding impact to native American	Concar Refer to SEIS Section 5.15.
17	resources is warranted.	
SFWMD	The Dynamic Model for Stormwater Treatment	It is anticipated that the final plan would be re-
15	Areas – Version 2 (DMSTA2, 6/30/06) was	evaluated with DMSTA.
13	utilized to simulate phosphorus reductions within	Ovalation with Birasiii.
	the Storm Treatment Area (STA). The results of	
	the DMSTA modeling efforts were forwarded to	
	the Corps but were not included in the DSEIS (he	
	summary is included in comment pkg, Enclosure	
	C). The final plan and revised 07LORS simulation	
	will be re-evaluated with DMSTA. This	
	information, as well as the constraint	
	documentation, should be included in the FSEIS.	
	Florida Department of Agriculture and Commerce	
	Services, Charles Bronson, Commissioner of	
	Agriculture 10/12/06	
FDOA 1	The regulations schedule (Figure 7) and the	Refer to Appendix A for revisions.
IDONI	operational guidance (Appendix A) proposed in	The state of the s
	the document do not appear to be the same as	
	modeled and evaluated. The current WSE	
	operation zones have been eliminated from the	
	proposed schedule and are replaced by a lake stage	
	envelope, an "operational guideline", and non-	
	typical temporary bands. The NTOs should be	
	removed from the proposed regulation schedule.	
FDOA 2	If the SFWMD is unable to operated the forward	The revised draft SEIS uses the best available data
	pumps and implement a SSM schedule that offsets	to evaluate water supply effects. Refer to SEIS
	projects water supply impacts, the worse case	Section 2, and Appendix E for more discussion on
	scenario for water supply shortages needs to be	the Corps' decision to incorporate the LOWSM
	evaluated and addressed in the SEIS.	plan into the new modeling for the revised draft
		SEIS.
FDOA 3	The USFWS BO is needed prior to finalizing and	The USFWS BO is expected to be delivered to the
	implementing the preferred alternative. If there is	Corps in May 2007. The document would become
	a finding of jeopardy, lower lake levels may not be	part of the final SEIS.
	allowed. If lower lake levels are not allowed,	
	there are projected water supply shortages	
	unaddressed in the SEIS.	
FDOA 4	It is our understanding that multiple runs with	Concur. Refer to response above, FDOA 2.
	different operational constraints of the preferred	
	alternative were produced to show the range of	
	potential performance. The range of potential	
	performance of the preferred alternative is not	
	evaluated in the draft SEIS. Of interest to the ag	
	industry is the performance of the preferred	
	alternative with the existing SSM restrictions in	
	place.	
***	Florida Department of State, Division of Historical	
	Resources, Frederick P. Gaske, Director and State	

ı	VI D	
	Historic Preservation Officer 09/21/06	
	NO COMMENTS	
	FDEP Water Quality Standards & Special Projects	
	Program, Greg Knect, Administrator 10/9/2006	
DEP 1	Estuarine salinity and water quality monitoring should be implemented to allow real time adjustments to be made. To reduce the occurrence	Monitoring is currently used for real-time decision making of competing project purposes.
	of damaging high salinity conditions in the	
	Caloosahatchee Estuary, flows of 800 cfs in the spring and 1200 cfs in the fall are suggested for	
	consideration.	
DEP 2	We suggest that additional modeling be	Additional modeling has been conducted that
	accomplished to develop an alternative or provide alternative operational guidance that provided significant improvement to EFH.	resulted in the revised draft SEIS. Additional modeling was done to improve estuary performance, which would benefit EFH. Refer to Sections 5.2.2, 5.4.2 and 5.5.
DEP 3	It is unclear how gravity flows from the WPB	Reference revised draft SEIS and Appendix E.
DEF 3	Canal, the L-* Canal and the Caloosahatchee	Television I of 100 a diam 2212 and 1 specialis
	Canal into the Lake were accounted for in the	
	alternative analysis. Please provide a brief	
	explanation of how thee operations were captured.	The reference of table is used as
DEP 4	According to table 2-2, all of the alternatives	The referenced table is used as a summary of all
	would result in no adverse impacts. The	effects discussed in the EIS. It is challenging to
	information provided in the DSEIS doesn't seem	reduce several pages into a sentence or paragraph
	to support this finding (i.e., increases in the	to capture effects, but the table has been revised to
	number of >4500 cfs discharges). Please provide	hopefully allow for a better representation of
	justification for the no adverse impact finding.	effects.
×	Local Governments	Comments noted.
	City of Bonita Springs, Jay Arend, Mayor 08/03/06	Comments noted.
	City of Clewiston, Mali Chamness, Mayor 10/12/06	Comments noted.
	Gir CG Gir G Paline Assistant City	Comments noted.
	City of Cooper City, Susan Poling, Assistant City Clerk, 10/10/06	Comments noted.
	City of Fort Myers 07/31/06	
CFtM 1	City of Fort Myers 07/31/06 The Army Corps' current Tentatively Selected	Additional plan formulation and modeling was
CFtM 1	The Army Corps' current Tentatively Selected	
CFtM 1	The Army Corps' current Tentatively Selected Plan, or TSP, is going to continue to severely	
CFtM 1	The Army Corps' current Tentatively Selected Plan, or TSP, is going to continue to severely damage the fragile ecosystem of the	conducted to improve estuary performance. Refer
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	The Army Corps' current Tentatively Selected Plan, or TSP, is going to continue to severely damage the fragile ecosystem of the Caloosahatchee Estuary. In order to alleviate the estuary and inhibit the amount of damage done to this waterway, the Army Corps TSP must be altered to recognize the considerable damage that has already been done to the estuary.  There are opportunities to relieve the stress that the Caloosahatchee River and the estuary are currently experiencing due to water releases. The South Florida Water Management District currently owns or leases 450,000 acres of land that could possibly be used for water storage. In addition, the TSP does not propose managing water levels through small, multi-directional water releases. Utilizing both the land for emergency water	conducted to improve estuary performance. Refer to revised draft SEIS for discussion.

	City of Sanibel, Carla Brooks Johnston, Mayor 10/16/06	
Sanibel 1	The Corps should incorporate newly identified publicly-owned lands and publicly-leased private lands that are available for the storage of excess Lake water into the final LORS operational guidelines.	Refer to discussion in Section 3.4.1.
Sanibel 2	Change the low lake band maximum discharge to the Caloosahatchee from 4500 to 6500 cfs at S-77 to the biologically acceptable level of 2800 cfs at S-77. The Preferred Alternative, 1bs2-m, would allow the larger discharges even a the relatively low Lake elevations within this band – elevations at which the Corps has identified no danger to public health and safety from the Herbert Hoover Dike.	Additional modeling conducted see improvements to Preferred Alternative.
Sanibel 3	Return the upper discharge limit for the St. Lucie to 3500 cfs as measured at S-80. This is the current value in the WSE, but it was changed to 2800 cfs in the Preferred Alternative without any explanation, or any acknowledgment that a decrease in flow to the St. Lucie would be offset by an increase in flow to the Caloosahatchee.	Additional modeling conducted see improvements to Preferred Alternative.
Sanibel 4	Change the "base flow" (the continuous year-round level of release) for the St. Lucie from 0 under the Preferred Alternative to at least 350 cfs.	Additional modeling conducted see improvements to Preferred Alternative.
Sanibel 5	Alterations to the base flow to the Caloosahatchee also could be made in order to give the Corps greater flexibility and to promote the health of the Estuary. Specifically, the proposed base flow could be increased from the current 450 cfs to a sliding scale of 450-to-800 cfs as measured at S-77 based on salinities in the Caloosahatchee River and adjacent Estuary.	Additional modeling conducted see improvements to Preferred Alternative.
Sanibel 6	The City strongly urges the Corps to return the upper Lake stage limit to at least 17.5 feet and then to re-run models and alternative scenarios using that different management assumption.	Additional modeling conducted see improvements to Preferred Alternative.
Sanibel 7	City also supports adopting 12 feet or less as the lower end of the main Lake management range (12-15.5 feet) instead of the proposed 12.5 foot value (12.5-15.5). Managing the Lake at levels below the proposed 12.5 foot elevation will serve to reduce damaging high flows to the Caloosahatchee Estuary over the long-run.	Additional modeling conducted see improvements to Preferred Alternative.
Sanibel 8	The four categories of trigger should be eliminated from the final LORS and the Corps should rely instead on case-specific temporary deviations when tangible needs are identified.  1. long-range or seasonal forecasting  2. unusual ongoing or planned temporary deviation activities as C&SF Project features.  3. the desire to facilitate a periodic managed recession of the Lake  4. simple agreement among State and Federal agencies indicating an undefined "need" for such releases	Refer to Appendix A for revisions.
Sanibel 9	City's fundamental objection relates to the authorization of these releases only to "tide" (i.e. to the estuaries). If releases are truly needed to	Refer to Appendix A for revisions.

	make-up for instances when otherwise authorized releases are impeded by certain conditions, it	
	seems equally important that releases through the Everglades Agricultural Area ("EAA") to the Water Conservation Areas ("WCAs") also occur	
	as soon as impediments no longer exist. The Corps should either eliminate this category or	
	releases or expand the notion of a "make-up"	
	release to include both releases to tide and those through the EAA to the WCAs.	
Sanibel 10	Discussion of past harms is entirely qualitative	The Corps does not agree with this statement.  Quantitative and qualitative research was used to complete the EIS analysis.
Sanibel 11	While the ecological deterioration experienced in and around Sanibel certainly has a number of economic effects, the City believes that this analysis should also be discussed in more detail in the "Environmental Effects" section of the SEIS.	The economic discussion in the Environmental Effects section is a summary of the Economics Appendix D. Please refer to Appendix D for detailed discussion.
Sanibel 12	The City recommends that this (salinity model) tool be used in assessing the impact of Lake	Explicit salinity modeling of the Caloosahatchee Estuary was not included in the LORSS study.
	Okeechobee releases on the temporal and spatial distributions of salinity in the Caloosahatchee Estuary. Hydrodynamic modeling of the Caloosahatchee Estuary would constitute an	Performance measures for estuarine salinity are based on flow volumes simulated with the SFWMM.
	important first step toward a more comprehensive analysis of the LORS' impact on regional water quality.	
Sanibel 13	Draft SEIS at D-66. What happens when the estuaries' recovery is disrupted by repeated additional regulatory releases?	The Preferred Alternative is based on a new water regulation schedule, and guideline tree.  Regulatory releases to the estuaries are made in accordance with the estuaries guideline tree. Refer to Section 2 of the revised draft SEIS, and Appendix A.
Sanibel 14	the Corps claims that the recovery period for the Estuary is commensurate with the rate and duration of the freshwater inputs. Id. This statement provides no detail to permit the city or any other interested party to understand anything about so called "recovery periods."	Refer to response above, Sanibel 13.
	The Corps should clarify its statements regarding recovery time for the Estuaries, both by explaining what it means for the recovery time to be commensurate with the duration and rate of release, and by demonstrating how each alternative performs with respect to short and long term impacts on the Estuaries.	
	Is there an accepted equation or model for calculating recovery period in an estuary based on duration and rate of input?	
Sanibel 15	The Corps still must assess the environmental harm that sedimentation poses in the Caloosahatchee Estuary.	The LORSS only considered operational changes to the regulation schedule for Lake Okeechobee. A sedimentation assessment was not part of the LORSS.
Sanibel 16	The impact of Lake Okeechobee water releases on the Caloosahatchee Estuary can be quantified using a numerical sediment transport model, a technology that has been available for some time, particularly for estuarine systems. One feasible	Sediment transport modeling of the Caloosahatchee Estuary was not included in the LORSS study.

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	alternative is the Environmental Fluid Dynamic	
	Code ("EDFC") which has a sediment transport	
	module to simulate suspended solids	
Sanibel	concentrations in an estuarine system.  Collective Impacts. The Corps' meager impacts	The Corps concurs that various stressors on the
Samber 17	analysis also omits an assessment of how the	Caloosahatchee Estuary (salinity, sedimentation,
17	various stressors on the Caloosahatchee Estuary	nutrient loading) may cause greater adverse effects
	(salinity, nutrients, sedimentation, etc) may	collectively than individually. The Corps used the
	interact to cause greater environmental damage to	"salinity envelope" as a performance measure
	the Caloosahatchee Estuary than any of these	because operationally, the Corps is responsible for
	stressors would cause on their own.	regulatory releases from S-79 that would affect
	Sucssols would cause on their own.	salinity in the Estuary. The Corps does not
	The Corps repeatedly refers to 2800 cfs and 4500	regulate the amount of nutrient loading or
	cfs as the salinity benchmarks for harm to	sedimentation loading into the Caloosahatchee
	seagrasses and other organisms in the Estuary.	River/Estuary.
	See e.g., Draft SEIS at 78. However, the Corps	•
	does not discuss how these 2800 and 4500 cfs	
	flows would impact phosphorous and nitrogen	
	concentration in the Estuary, or whether the	
	combination of decreased salinity and increased	
ļ	nutrient concentrations and other factors in the	
	Estuary could lead to additional deterioration of	
	the ecosystem.	
Sanibel	Caloosahatchee Estuary has deteriorated under	Refer to expanded discussion of existing water
18	the current WSE, but the SEIS provides absolutely	quality in the Caloosahatchee River, revised SEIS
	no data to qualtify the current condition of the	Sections 5.9 and 6.14.
	Estuary. See e.g., Draft SEIS p. 78. The SEIS	
	even suggest that some of the damage to the	
	Estuary may have resulted from causes other than	
	releases from Lake Okeechobee. Id. At 83.	
	Again, however, the no studies are cited, and no data is provided to support this assertion.	
Sanibel	The Corps should at a minimum compile data on	Refer to expanded discussion of existing water
19	the current phosphorous and nitrogen content and	quality in the Caloosahatchee River, revised SEIS
19	salinity of the Estuary, the presence of harmful	Sections 5.9 and 6.14.
	algal blooms, and the populations of indicator	
	species in order to establish a baseline for	
	comparison of the performance of the alternatives.	
Sanibel	EIS is lacking elements of an adequate quantitative	The Corps does not agree with this statement.
20	environmental impacts analysis of the	Quantitative research was used and referenced in
	Caloosahatchee Estuary	the EIS. Reference Section 9.
Sanibel	EIS fails to analyze cumulative impacts	The revised DSEIS has expanded the cumulative
21		effects discussion. Reference section 6.21.
Sanibel	EIS fails to adequately assess impacts on	Pursuant to Section 7 of the Endangered Species
22	endangered species (i.e. manatee and smalltooth	Act, the Corps has coordinated with the USFWS
	sawfish). There is no discussion of how such high	and NMFS for E&T species, including the
	flows affect sawfish populations because there	smalltooth sawfish and manatee. Consultation is
	apparently has been no attempt to find out what	underway.
	the impact would be.	
Sanibel	The City requests that the Corps explain why it did	All alternatives were developed with the Corps'
23	not consider a single alternative that would	goal of improving the health of Lake Okeechobee
	achieve its goal of reducing high flows to the	and the estuaries, while continuing to ensure
	Caloosahatchee Estuary. While at the beginning	public health and safety, and with minimal or no
	of the Draft SEIS, restoration of the	impact to the competing project (lake) purposes. As modeled, some alternatives had positive effects
	Caloosahatchee is listed as an achievable goal of	for the estuaries, some did not. The LORS has
	the LORS, near the end of the document it is listed	been, and will continue to be, designed to balance
	as the only "Unavoidable Adverse Environmental Effect." See Draft SEIS at 125.	multiple, and often competing project purposes.
Sanibel	If improving the health of the River and the	Additional modeling conducted for 2007 LORSS
Sanibei 24	Estuary remains a key component of the proposed	SEIS. Please refer to descriptions of 2007 LORSS
24	Estuary remains a key component of the proposed	obio. I lease refer to descriptions of 2007 Bolesb

	simulation period. This data would provide a	
	more meaningful summary of the seasonal	
	variation in flows to the Estuary.	
Sanibel	The City requests that the Corps eliminate make-	Refer to Appendix A for revisions.
29	up releases from its proposal. In the alternative, if	
	the Corps will not eliminate make-up releases	
	from the LORS, the City requests that the Corps	
	amend its proposal for make-up releases so that	
	Lake managers look first to the WCAs, before	
	releasing more water to the Caloosahatchee.	
0 7 1		The service and officers both positive and
Sanibel	Failure to model impacts of the NTOs and make-	The environmental effects, both positive and
30	up releases. The Draft SEIS provided virtually no	negative, of each NTO were considered in the EIS.
	environmental impact analysis for the NTOs and	As described in Section 3.3 of the August 2006
	Make-up releases that it proposes in the LORS.	DSEIS, this was accomplished by "bracketing"
		those effects between Alternatives 1bS2-m and
	The City requests that the Corps either eliminate	Alternative 2a.
	its proposal for NTOs, or provide the public with a	
	more detailed analysis of the predicted	
	environmental impacts of the proposal.	
Sanibel	The City acknowledges the Corps' preliminary	
31	assessment that a detailed economic analysis	,
<i>3</i> •	would be challenging and complicated. That does	
	not justify, however, the conclusion that it is	
	"outside the scope of its investigation." Draft	
	SEIS at D-84. The economic impact of the LORS	
	on the Caloosahatchee should be central to the	
	SEIS	
·	Lee County, Tammara Hall, Chairwomen, BCC,	
	10/04/06	
LC 1	Management to an optimum stage. Overall, as a	The SFWMM produces daily output for a 36-year
	basic feature, Alternative 1bS2-M has a goal to	period of record (POR): 1965-2000. It is
	manage the Lake at an optimum stage which is	recognized that additional data could be provided
	widely recognized and supported as 12.5 – 15.5	from an extended period of record. The 36-year
	feetAdjustments in the schedule are made to	period of record includes a wide range of
	either release or hold water with the goal of	climatologic and meteorologic conditions. All
	achieving the optimum elevation for that time of	alternatives are evaluated for this common period
	the year. In doing so, Parts 1 and 2 of the Lake	of record and compared to the No Action
	Okeechobee Operational Guidance provide	Alternative.
	direction to water managers on what level of	
	release to make to what part of the system based	The SFWMM is a regional-scale computer model
	on tributary hydrologic conditions, the forecasted	that simulates the hydrology and the management
	weather conditions (seasonal, monthly and	of the water resources system from Lake
	weather conditions (seasonal, monthly and	Okeechobee to Florida Bay, and the SFWMM
	weekly) and other pertinent information. It is	
	asserted that keeping the Lake at an optimum	remains the best available tool for performing a
	range a higher percentage of the time will result in	comprehensive evaluation.
	1 1 Et a de la desarra manaixima viotara anab ac	1
İ.	benefits to downstream receiving waters such as	mt rongg .1
	the estuaries, Everglades and Lake Okeechobee	The LORSS alternatives were developed by an
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are	inter-agency team including technical experts in
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which	inter-agency team including technical experts in
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from the Lake to the L-8 canal (which may not be	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from the Lake to the L-8 canal (which may not be possible due to down stream water quality	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from the Lake to the L-8 canal (which may not be possible due to down stream water quality concerns). In order to more accurately reflect true	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from the Lake to the L-8 canal (which may not be possible due to down stream water quality concerns). In order to more accurately reflect true meteorological cycles, the analysis must also	inter-agency team including technical experts in water management and operations, with years of
	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from the Lake to the L-8 canal (which may not be possible due to down stream water quality concerns). In order to more accurately reflect true meteorological cycles, the analysis must also include relevant historical weather data outside of	inter-agency team including technical experts in water management and operations, with years of
LC 2	the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from the Lake to the L-8 canal (which may not be possible due to down stream water quality concerns). In order to more accurately reflect true meteorological cycles, the analysis must also	inter-agency team including technical experts in water management and operations, with years of

	are portrayed. For instance, on page 111, the SEIS states, "However, modeling simulations indicated no improvements in the high flow >4,500 cfs range to the estuary" and also in the discussion "due to the increase in high flows >4,500 cfs, the Corps has determined that the proposed action would provide minimal benefits overall to essential fish habitat in the Caloosahatchee Estuary." Another fundamental example is on page ii, where the SEIS states, "Stakeholders representing the Caloosahatchee Estuary have concerns that the alternatives analyzed show minimal benefits, if any, for the estuary." These statements do not recognize the potential harm that could be caused to estuary from implementation of the proposed regulation schedule. Instead, the SEIS portrays these effects	environmental effects of the alternatives. Even though the August 2006 modeled preferred alternative did not reduce high volume flows >4500 cfs, it does provide some benefits to the Caloosahatchee Estuary in the preferred flow range, for example.
	as simply not meeting the target or not providing any benefit. This is an important distinction and, for purposes of accurately reflecting the potential environmental effects of the proposed alternative, these types of statements should be corrected in the document.	
LC 3	Specifically relevant to the St. Lucie Estuary, in addressing the quantity of release discharges, when comparing the release schedule of WSE to the new release schedule, there is a reduction in the releases from the higher bands from 3,500 cfs to 2,800 cfs. This fact was reiterated publicly in a Lake Okeechobee Water Resources Advisory Commission meeting when the discrepancy was recognized and corrected on a power point presentation made by Corps staff. It is unclear why this reduction in discharge through the S-80 structure occurred. This reduction also appears to place the estuarine impacts in a directly conflicting position.	Additional modeling conducted for 2007 LORSS SEIS. See improvements to TSP, and additional discussion provided in Appendix E.
LC 4	It is also unclear from the document what the basis is for the trigger in the Water Conservation Areas ("WCAs") (+.25) in terms of limiting releases from Lake Okeechobee south. While this trigger appears in the WSE schedule on page 20, it does not appear to have any detailed discussion, explanation or basis in the SEIS. There is also very little, to virtually no discussion, about the relationship between the proposed alternative and the current Upper Chain of Lakes, including Kissimmee River, flows, relevant schedules or potential changes to them except that there will be an examination of the Tributary Hydrological Conditions in ;the decision process. Flows north of, and into Lake Okeechobee have a direct relationship to water discharged out of the Lake. The SEIS should include a more detailed discussion of this relationship.	The LORSS only includes changes to Lake Okeechobee Regulation Schedule. The upper chain of lakes and Kissimmee River schedules were not adjusted in the LORSS.
LC 5	The 17.25' constraintThe SEIS states, "Because the Corps recognizes that the HHD is more stable when water in Lake Okeechobee is maintained below 18.5', the LORSS only focused on alternatives that would allow the Lake to be	In the 2006 SEIS, 17.25 was a study constraint. In the 2007 SEIS, the 17.25 constraint was treated as a performance measure. Refer to Section 2 of the 2007 SEIS.

	managed at a lower average level year-round. The	
	final array of alternatives analyzed were developed	
	to achieve zero or close to zero days above Lake	
	elevation 17.25', NGVD." Several somewhat	
	conflicting explanations are given for the 17.25'	
	constraint, yet none of them are substantively	
	detailed or provide a clear engineering basis for	
	the constraint. For example, on pages 7 and 121,	
	the document states, "The 17.25' constraint was	
	based on the schedule's ability to store rainfall and	
	runoff anticipated from a storm event comparable to Hurricane Wilma in 2005 without having HHD	
	integrity issues." It is unclear why this particular	
	storm event or conditions of the Lake at that time	
	were chosen as a scenario to drive this alternative	
	development process. On page E-21, the	
	document states, "The 17.25' elevation offers	
	additional protection for public safety and the	
	Herbert Hoover Dike." It is unclear what the	
	"additional protection" needs to be from an	
	engineering perspective. Finally, on page 82, the	
	document states, "The crest elevation of the levee	
	system surrounding the Lake ranges from 32 to	
1	45', NGVD. The likelihood of overtopping of	
	levees from excess storage is nearly non- existent.	
	Possible flooding due to overtopping of levees	
	within the HHD system is limited to short duration	
	events involving wave run up in addition to	
	hurricane-induced storm surge." Recognizing that	
	an 18.5' elevation was the previous Lake elevation	
	constraint, the 17.25' elevation constraint is	
	particularly disturbing in light of the fact that the	
	inter-agency team had arrived at a consensus of a	
	17.5' elevation, as a performance measure, which	
	was later changed by the Corps to a project	
	constraint in the Alternative Development Process.	
	When reading all of these statements together from	
	the SEIS, it appears that this particular number is	
	not based on any particular engineering analysis	
	and that it is arbitrary. It is also notable that Lake	
	levels that have exceeded 17.25 feet only a small	
	portion of the time since the Herbert Hoover Dike	
1	was built, which raise questions about what level	
	of risks the Corps is attempting to avoid. The relationship between the crest elevation, Lake	
	levels, choice of Hurricane Wilma 2005 conditions	
	and engineering basis for the 17.25' constraint	
	needs to be more detailed in the SEIS.	
LC 6	The Corps should also explain how long this	Refer to LC 5 response above.
LCU	particular 17.25' is contemplated to be constraint	
	on any Lake Okeechobee Regulation Schedule.	
	For instance, will enough work on the dike be	
	completed that this will not be a constraint on the	
	next iteration of the Lake Okeechobee Regulation	
	Schedule in 2010?	
LC 7	Base Flows to one or both estuaries. On page 22,	Additional modeling conducted. Refer to
'	the SEIS describes the concept of base flows in	description of alternatives in Appendix E. Also
	alternatives 1BS2 and 1BS2-m as follows:	refer to improvements to TSP and refer to
	"During the alternative formulation process, data	Appendix A for revisions.
	and recommendations were evaluated and the	

	recommended base flow release was determined to	
	be 450 cfs to the Caloosahatchee Estuary	
	(measured at S-79) and zero base flow to the St.	
	Lucie Estuary." On page 38 when reviewing Part	
	2 of the Lake Okeechobee Operational Guidance	
	during normal to dry conditional this base flows to	
	the Caloosahatchee is reflected, yet there is no	
	base flow to the St. Lucie Estuary through S-80.	
ĺ	In the Non-typical Operations, depending on	
	tributary hydrologic conditions, then base flows to	
i	both estuaries can be made. Some base flow to the	
	St. Lucie Estuary, as well as possible increased	
	base flows to the Caloosahatchee should be	
	modeled to determine the ability of these	
	operations to alleviate high volume discharges.	
	While the County understands that the benefits of	
	these additional base flows may be minimal, they	
	should be modeled nonetheless to determine the	
	benefits that can be achieved. It is unclear whether	
	they have modeled to date, based on the	
	limitations of the South Florida Water	
	Management Model. Coupled with other changes	
	to the proposed alternative, there could be a more	
	significant benefit to these base flows to both	
	estuaries.	
LC 8	Stormwater treatment area capacityAn	Releases to WCA's will be conducted per flow
	assumption in the SEIS is "to include a maximum	chart of the Regulation Schedule (Part D). If
v	limit of the Lake regulatory releases passed	expanded treatment capacity within the STAs
	through Stormwater Treatment Areas 3/4, based	occurs, the possibility of Lake Okeechobee
	on assumed treatment capacity given the current	discharges south may increase accordingly.
i	nutrient levels within Lake Okeechobee." Implicit	and the second s
]	in this constraint is that the Corps will not allow a	
	violation of water quality standards in the Water	
	Conservation Areas which receive water from the	·
	Stormwater Treatment Areas. While we	
	appreciate and support the Corps' desire to avoid	
	water quality impacts in the Water Conservation	
	Areas, we do not understand why the Corps is not	
	willing to impose a similar water quality constraint	
	for the Caloosahatchee Estuary. This appears to be a double standard, which makes the choice of	
	•	
	alternatives arbitrary. Additionally, these	
	constraints on the STAs, and flow volumes south	
	are not likely to exist in the future. The Corps	
	should provide some type of analysis of the	
	benefits of achieving more historical flow patterns	
100	to the south.	Defends Amendia A.C.
LC 9	The SEIS provides no detail as to who makes	Refer to Appendix A for revisions.
	determinations on releases when NTO are	
	implemented.	m 11 0 coret
LC 10	There is no discussion on nutrient concentrations	The revised draft SEIS has expanded on the
	or loading to either Estuary and there is no	discussion of water quality. However, it is outside
	discussion of the relevant water quality standards	the scope of the regulation schedule study to
	for the Caloosahatchee or St. Lucie water bodies	model for water quality effects in the
	including total maximum daily load implications.	Caloosahatchee Estuary.
	The SEIS also fails to explain how Lake releases	
	contribute to water quality problems, in the	
	Estuary, i.e., the influence of nutrients, turbidity,	
	freshwater, or color. The SEIS could model the	•
	water quality effects in the Caloosahatchee Estuary	

	C	
	for each alternative, as well as the effects each	
	alternative will have an algae growth (including	
	blue-green algae), red tide, sea grasses, fish	
	populations, endangered species, and other	
	ecological impacts. The SEIS also should discuss	
	impacts on State and Federal wildlife refuges and	
	estuarine reserves.	
LC 11	The SEIS on page 1 states, "The areas considered	The revised draft SEIS expands discussions on
	to be most affected and which shall receive the	water quality (Section 5.9 and 6.14) and algal
	greatest scrutiny in terms of impact assessment is	blooms (Section 5.2). Additionally, Section 6.21,
	the Lake itself, particularly within the littoral and	cumulative effects, discusses other Federal, State
	marsh areas of the Lake, and major downstream	and local initiatives related to water quality
	estuaries including the St. Lucie and	improvement in central and south Florida.
	Caloosahatchee Estuaries." But, on page 84	
	relative to water quality in the Caloosahatchee	
	basin, the SEIS states, "Nutrient and chlorophyll	
	levels are high and small algal blooms occur	
	regularly." This statement should be corrected	
	because several of these algal blooms that occur	
	are, in fact, very large, have devastating effects on	
	the environment and economy of Southwest	
	Florida and potential public health implications as	
	the result of potential impact to the public water	
	supply	
LC 12	The discussion on page 84 of the SEIS states that	Information regarding the annual and seasonal
	salinity is only a concern when discharge events	distribution of flows at S-77 (Lake Okeechobee)
	exceed 2800 cfs at the S-79 structure for longer	and S-79 are included in Appendix E.
	than 14 consecutive days, but the reality is that	
	these discharges do occur and stand to occur more	
	often due the implementation of the proposed	
-	alternative. Finally, that same discussion states,	
	"These discharges of Lake water are just a piece of	
	the puzzle of water quality conditions in the	
	Caloosahatchee River and estuary." While the	
	County recognizes the role of basin run-off in the	
	Estuary's condition, this statement downplays the	
	role of Lake discharges in the degraded water	
	quality of the Caloosahatchee River and Estuary	
	and should be deleted. Analyzing the breakdown	
	of releases shared between the S-77 and S-79	
	structure could help clarify these effects of basin	
	run-off and Lake discharges.	
LC 13	The SEIS fails to discuss the potential impacts to	The Corps recognizes critical habitat for manatees
	designated critical manatee habitat in the	in the Caloosahatchee River Estuary, and has
	Caloosahatchee Estuary. The Caloosahatchee	coordinated with USFWS under Section 7 of the
	Estuary is critical habitat for the manatee.	ESA.
LC 14	The SEIS does not mention the historic and	The Corps has coordinated with the USFWS for
	ongoing nesting of wood storks in Caloosahatchee	the wood stork. The LORS preferred alternative
	Estuary, and does not analyze effects on storks	would have no effect on this species.
	there.	
LC 15	The SEIS does not list the Kemp's ridley turtle	Sea turtles are protected under the Endangered
	(Lepidochelys kempii) as a species known to occur	Species Act. As such, the Corps has coordinated
	in the study area although there is significant data	with jurisdictional agencies under the Act. Sea
	of use as far upstream as US 41. This species has	turtles would not be affected by the preferred
	a preferred diet of horseshoe crabs and salinity	alternative plan of the LORS.
	changes could certainly have an indirect effect on	_
	this highly endangered turtle.	
LC 16	The SEIS does mention bald eagle nesting around	Bald eagles are protected under the Endangered
	Lake Okeechobee but fails to consider similar uses	Species Act. As such, the Corps has coordinated
	for Caloosahatchee Estuary (19 active nests in Lee	with the USFWS for this species.
<u> </u>	1 201 Outo Continue Detail (12 would held in Dec	<u> </u>

	County in 2001 that met the same criteria used for	
LC 17	Lake Okeechobee).  The SEIS fails to discuss impacts on the	The Corps disagrees with this comment. The SEIS
LC 17	Smallthooth Sawfish, which lives in the	does discuss the effects of the LORS on the
	Caloosahatchee Estuary in the areas hit hardest by	smalltooth sawfish. This species is protected
	Lake releases.	under the Endangered Species Act, and
		coordination with the NMFS is underway.
LC 18	The SEIS fails to discuss impacts of Lake releases	The Corps disagrees with this comment. Refer to
	on other fish populations, oyster beds, crab	sections of the 2006 and 2007 DSEIS which
	populations, and other estuarine organisms.	discuss estuary effects.
LC 19	The SEIS does not discuss how Lake releases may	Refer to revisions in the 2007 SEIS, in particular,
	affect or exacerbate red tide and blue-green algae	Section 5.2.
	which affects marine organisms.	
LC 20	Scope of Economic Analysis. Section 5.8, on	The economic analysis has been updated in the
	Socio-Economics, is completely lacking and	revised draft SEIS.
	specifically excludes any discussion on tourism	
	income due to degraded conditions in the	
	estuariesSpecifically Section 7.2 on page D-	
	67 states, "There are other potential (non-fishing)	
	economic effects from freshwater releases which	
	are also associated with changes in estuarine water	
	quality. These effects could include changes in:	
	(1) waterfront property values if water quality	
	degradation is severe or sustained and (2) the	
	quantity or quality of recreation (and tourism) if	
	the releases discolor the water at beaches or if the	
	releases contribute to algae blooms that limit	
	beach access. These non-fishing effects are beyond	
	the scope of this investigation, but they are current	
	sources of concern to local residents and	
	businesses who enjoy the estuaries and depend on tourists who come to use them."	
LC 21	Lee County has completed data research	The economic analysis has been updated in the
LC 21	estimating an approximate \$3.5 Million adverse	revised draft SEIS.
	economic impact on the tourism industry during	To thou didit 5215.
	just the Sept-Nov 2005 timeframe due to the	
	excessive Lake Okeechobee releases.	
	Cumulatively, this adverse economic impact must	
	be factored into the decision-making process for	
	the proposed alternative. It is unclear why the	
	document states that these significant, and	
	cumulative, adverse impacts are beyond the scope	
	of the SEIS process when the document describes	
	these types of impacts for other areas such as Lake	
	Okeechobee itself and, when they've gone to great	
,	efforts to compile it for other areas.	
LC 22	The SEIS also does not analyze potential impacts	A more thorough discussion on existing water
	on drinking water supplies and other health	quality conditions in the Caloosahatchee River is
	concerns related to adverse water quality impacts.	included in the revised draft SEIS. Refer to
	These concerns culminated in the 2005 Lee	Section 5.9, 6.14 and 6.21.
	County Health Department posting of public	
	health warnings related to algae blooms. Lee	
	County draws some of its public drinking water	
1	supply from the Caloosahatchee River. Blue-	
	green algae, which can produce harmful toxins,	
-	has appeared in the river associated with Lake	
	releases. Such algae can be drawn into the	
,	drinking water intakes, and requires additional	
7.5.1.	treatment in water treatment plants.	The revised droft CEIC has averaged the
LC 23	Cumulative Impacts. The SEIS has almost no	The revised draft SEIS has expanded the

LC 24	discussion of cumulative impacts. Given the injury caused to the Caloosahatchee Estuary by repeated high Lake releases in recent years, the SEIS should analyze how the proposed alternatives would have cumulative impacts on important resources. The Corps should not defer such analysis to a later time, since the public should be aware of cumulative impacts of the new Lake schedules before the Corps acts.  Compliance with other Statutes. The discussion in	discussion of cumulative effects. Refer to Section 6.21.  The Corps does not concur. On average, there are
	the SEIS regarding compliance with other statutes needs to be strengthened. In its current form it simply serves as cursory overview of the applicable statutory requirements. There is no analysis or facts offered to demonstrate as to whether or not this proposed alternative actually meets those statutory requirements. The document just states that the alternative is in compliance. For example, the analysis of impacts to Federally-listed threatened and endangered species is weak hence making it difficult to determine whether the Corps is complying with the Endangered Species Act.	generally 25+ laws, regulations, Acts, and executive orders that each federal project/action must comply with. Section 6.26 merely summarizes the Corps' compliance with these environmental requirements. Coordination with NMFS and USFWS pursuant to the Endangered Species Act is underway. The SEIS summarizes ESA coordination to date.
LC 25	The SEIS should explain why the Corps need not comply with Clean Water Act sections 401 and 402 regarding the Lake releases into the Caloosahatchee River. The SEIS also should explain whether Florida permitting requirements found in Chapter 373 and 403, Florida Statutes, apply to operation of or discharges from Corps water control structures on the Lake, and whether the Lake regulation schedules will cause violations of minimum flows and levels in the Caloosahatchee Estuary. Other federal laws may come into play and need to be analyzed to insure compliance; such as the Marine Mammal Protection Act and the Magnuson-Stevens Marine Fisheries Act.	Refer to Section 1.9 for discussion of CWA compliance.  Minimum Flows and Levels for the Caloosahatchee River and Estuary and recovery and prevention strategies are implemented with consideration of the State's (SFWMD) missions in managing water resources, including water supply, flood protection, environmental enhancement and water quality protection, as required by Section 373.016, F.S. MFLs for many areas within the Caloosahatchee River an Everglades, served by the C&SF Project, will not be achieved immediately upon adoption of MFLs because of the lack of adequate regional storage or ineffective water drainage and distribution infrastructure.  The 2007 LORS is in compliance with the MMPA and the Magnuson-Stevens Fishery Conservation and Management Act, and coordination with appropriate agencies has been conducted.
LC 26	Mitigation Measures. The SEIS should discuss potential measures to mitigation adverse environmental impacts on the Caloosahatchee Estuary. In particular, the SEIS should discuss opportunities for additional water quality impacts of Lake releases. There is no such discussion in the SEIS, even though many mitigation opportunities exist.	The revised draft SEIS provides expanded discussion on existing water quality conditions in the Caloosahatchee Estuary.
LC 27	No increase in harm to the Caloosahatchee in high discharge events. More work needs to be completed on the proposed alternatives to achieve at least a "no harm" standard from what occurred with WSE for the Caloosahatchee Estuary. Fundamentally, the County cannot support any alternative that creates any harm in the Caloosahatchee Estuary. Additional alternatives	The preferred alternative plan in the 2007 SEIS improves conditions for the Caloosahatchee Estuary. Refer to revised SEIS for details.

	that provide real relief in the Caloosahatchee	
	Estuary should be analyzed. The County also	
	suggests modeling that shows what "mid-range"	
	releases may be rather than "up to the maximum	
	release" as the modeling assumption has	
	incorporated thus far. The Corps should also	
	account for the effect and reduction of the 700 cfs	
	at the S-80 structure between WSE and the	
	proposed schedule for the St. Lucie Estuary.	
LC 28	Justification for 17.25' constraint. The basis for	The 17.25 constraint was removed and treated as a
	the 17.25' constraint appears to conflict in the	performance measure in the 2007 SEIS.
-	document in terms of engineering rationale.	
LC 29	The Corps imposed this 17.25' constraint on the	The 17.25 constraint was removed and treated as a
	alternative development process unilaterally.	performance measure in the 2007 SEIS.
	Modeling should occur that shows the volume	•
	versus discharge relationship for an elevation	
	constraint between 17.25' and 18.5'. The Corps	
	must provide a clear analysis of where these extra	
	volumes of water will be discharged due the	
	17.25' constraint. The Corps should also include a	
	discussion of when this constraint will not longer	
	be a driving factor in Lake Okeechobee	
	management.	
LC 30	Include more specific information on water quality	The 2007 SEIS expands the discussion on existing
LC 30	in the Estuaries.	water quality conditions in the estuaries.
I C 21		All of the alternatives were evaluated with the
LC 31	Discussion of when conditions might improve to	
	be able to move water south. The discharge of	STA treatment capacity constraint. All
	water to the STAs south to the WCAs is limited	alternatives maximize water delivered south,
	due to the quality of discharges from the Lake and	subject to STA treatment capacity. Since this is an
	the limited treatment capacity of the STAs. The	interim schedule, the Corps does not anticipate a
	document should include a discussion of when	substantial increase in the STA treatment capacity
	these conditions might improve in terms of	for Lake Okeechobee water during this time.
	projects to optimize the STAs or when Lake water	
	quality may improve to allow more to move south.	
	The constraints on the STAs, and flow volumes	
	south, are not likely to exist in the future, and the	
	Corps should provide of analysis of the benefits of	
	achieving more historical flow patterns of the	
	south.	
LC 32	Modeling of the forward pumps. These pumps are	A permit has been issued for the temporary
	neither permitted nor constructed as of yet. Their	forward pumps. The environmental analysis of the
	permitted operation range is not known either.	pumps was completed through the regulatory
	Endangered or threatened species issues could	permit action.
	change the assumptions relative to the forward	
	pumps which could have a marked effect on the	
	impacts and operations of the proposed schedule.	
	The Corps must provide some analysis of what the	
	effects of the proposed regulation schedule may be	
	if the forward pumps are not brought on line, or	
	their operation is limited due to effects on listed	
	species. The analysis of these pumps should be	
	made part of the SEIS process, and not conducted	
	separately.	
LC 33	Consider removing NTO. The proposed	Refer to Appendix A for revisions.
LC 33	regulation schedule has a high level of flexibility	teres to reposition is not to t
	incorporated into it already. There is cignificant	
	incorporated into it already. There is significant	
	operational flexibility which is found in each band	
	operational flexibility which is found in each band and the overlap of each band. The NTO described	
	operational flexibility which is found in each band	

	<b>,</b>	
	needed beyond the regulation schedule should be	
	clearly identified through changes to the proposed	
	alternative rather than masked in a "catch all"	
_	Non-typical Operation.	
	Dade County Farm Bureau, Katie Edwards,	
	Executive Director (not dated)	
		100
	Lake Worth Drainage District (LWDD), William	
	G. Winters, Manager 07/13/06	
	G. Winters, Manager 07/15/00	
	T DA Michelle	
	Lewis, Longman & Walker, PA, Michelle	
	Diffenderfer 10/13/06 (Lake Worth Drainage	
	District LWDD)	
LWDD	The modeling for the SEIS includes the	A regulatory permit has been issued for the
1	assumption that the temporary forward pumps will	temporary forward pumps.
	be online. This assumption is an issue at this time	
	because the pumps are neither constructed nor	
	permitted. Therefore, the actual risk to water	
	supply is greater than predicted. Without the	
	lowering of the supply side management line and	
	the installation of temporary forward pumps to	
	make deliveries form the Lake at a lower	
	elevation, there is a significant increased risk to	
* *******	water supply.	The revised draft SEIS has expanded discussion on
LWDD	Section 5.13 of the SEIS states that the preferred	
2	alternative "allows for water supply requirement s	water supply.
	to be satisfied nearly as effectively as the current	10.1
	operational schedule WSE." This statement does	A regulatory permit has been issued for the
	not account for the increased risk to water supply	temporary forward pumps.
	from more water restrictions, Lake Okeechobee	
	Minimum Flow and Level violations and	
	exceedances and the need to operate the forward	
	pumps to presumably offset these risks. The data	
	in the SEIS does not support this statement.	
LWDD	The 17.25' constraint. The primary assumption	The 17.25 constraint was removed and treated as a
3	that warrants additional discussion in the SEIS is	performance measure in the 2007 DSEIS.
'	that regarding the elevation cap of 17.25'.	P
	mat regarding the elevation cup of 17.25.	
	Several somewhat conflicting explanations are	
İ		
ŀ	given for the 17.25' constraint, yet none of them	
	are detailed or provide a clear engineering basis	
	for the constraint.	
1	This 17.25' elevation constraint is particularly	
	disturbing in light of the fact that the inter-agency	
	team developing the SEIS had arrived at a	
	consensus of a 17.5' elevation performance target	
	and this was changed later in the alternative	
	development process by the Corps to an absolute	
	17.25' project constraint.	
LWDD	LWDD understands the overwhelming public	Additional modeling conducted. Please see
4	health, safety and welfare concerns with the	improvements to TSP in the 2007 DSEIS.
	integrity of the HHD, but the Corps should also	_
	explain how long this particular 17.25' is	
	contemplated to be constraint on any Lake	
	Okeechobee Regulation Schedule. For instance,	
	will enough work on the dike be completed that	
	this will not be a constraint on the next iteration of	
1	the Lake Okeechobee Regulation Schedule in	

	2010?	
LWDD	The EIS should include a discussion about how	The STAs are managed by the SFWMD. The
5	STA capacity could be increased in the short and	State and the SFWMD are committed to achieving
	long-term by factors such as efforts to "optimize"	optimum phosphorus reducing results in the STAs.
	the STAs under separate SWFMD efforts, the	The performance of STAs can be impacted by
	Comprehensive Everglades Restoration Plan	many physical and biological factors such as major
	("CERP") or how water quality conditions in the	storm events and vegetation cover, which at times
	Lake might improve, thus allowing more treatment	may affect the treatment capacity of these
	capacity in the STAs.	wetlands.
LWDD	While the concept is to only use the NTOs when	Refer to Appendix A for revisions.
6	the Lake management bands and operational	
	guidance is "not effective at managing lake levels"	
	as defined under certain conditions and events, the	
	NTOs provide such wide flexibility, that they are	
	essentially rendered useless in providing any	
	predictability as to what operation may result. For	
	instance, if the schedule is not working "and it has	
	been determined that it would be advantageous"	
	NTOs would be utilized. The SEIS provides no	
	detail as to who makes these determinations and	
	when.	
LWDD	Page 13 of the SEIS states, "All alternatives	A regulatory permit has been issued for the
7	evaluated, including the No-Acton Alternative,	temporary forward pumps. An environmental
	assume operation of the SFWMD temporary	analysis was completed through the regulatory
	forward pumps for water supply at S-354 (400	permit action.
	cfs), S-351 (600 cfs) and S-352 (400 cfs). Based	
	on preliminary operational guidance form the	
	SFWMD, the pumps are simulated to trigger on	
	for water supply demands if the Lake stage falls	
	below 10.2 feet; the pumps are assumed to be	
	turned off when the Lake stage recovers to 11.2	
	feet." The document does not include any rational	
	or basis for these particular triggers other than a	
	comment that the SFWMD provided the	
	preliminary operational guidance.	1: 4.0
LWDD	The entire scope of preliminary operational	Refer to Appendix A for revisions.
8	guidance needs to be included in the SEIS so that a	
	full and accurate picture of the basis for theses	
	triggers can be understood	A law is the base is an all for the
LWDD	the SEIS lacks a discussion regarding the	A regulatory permit has been issued for the
9	relationship between operation of the forward	temporary forward pumps. An environmental
	pumps and potential for degraded water quality	analysis was completed through the regulatory
	when the Lake levels are lower and the forward	permit action
LWDD	pumps will be operated.  There is no meaningful discussion of the economic	The revised SEIS has expanded the discussion of
10	impacts on water supply in the actual SEIS.	economic effects on water supply.
10	impacts on water suppry in the actual SEIS.	deciding errors on many suppris-
	On page D-34 there is a table of the value of	
	unmet demand for urban water supply. The	
	context and assumptions in this table are unclear	
	and this is the only data available which evaluates	
	the economic impact of decisions regarding the	
	various alternatives in terms of water supply. The	
	economic impacts to agriculture due to drought	
	were included therefore the SEIS should reference	
	and incorporate data showing the economic impact	
	on water supply in prior droughts.	
LWDD	Section 5.13 of the SEIS states that the preferred	The revised SEIS has expanded the discussion of
11	alternative "allows for water supply requirements	economic effects on water supply.
	to be satisfied nearly as effectively as the current	I and the second

	operational schedule WSE." A table in this	
	section, Table 5-10 uses a rating system for the	
	water supply performance which is not clear. This	
	chart appears to minimize water supply effects and	
	runs counter to the numerous presentations made	
	by the SFWMD on the water supply impacts of the	
	proposed alternative. The actual data on water	
	supply should be incorporated into the SEIS.	
LWDD	Basing the entire risk to water supply on the	The LORSS did not base the risk to water supply
12	operation of the temporary forward pumps is	entirely on temporary forward pumps. Throughout
	problematic. Since even the No-Action	the LORSS, the SFWMD agreed to adjust the
	Alternative assumes the addition of the temporary	Supply Side Management rules as a means to
	forward pumps (page 14 of the SEIS), there is no	accommodate the lower regulation schedule.
	way to determine what any effects may be if the	
	forward pumps do not come on line. The	•
	alternatives must be modeled. And results included	
	in the SEIS, regarding the performance of the	
	alternatives in a"with-forward pumps" and	
	"without-forward pumps scenario."	
LWDD	There is also very little discussion, about the	All alternative use existing Kissimmee chain of
	•	lakes' and WCAs' regulation schedules
13	relationship between the proposed alternative and	lakes and weas regulation schedules
	the current Upper Chain of Lakes, including	
	Kissimmee River flows, relevant schedules or	
	potential changes to them except that there will be	
	an examination of the Tributary Hydrological	
	Conditions in the decision process. The SEIS	
	should include a more detailed discussion of this	
	relationship.	
LWDD	Pursue a regulation schedule deviation for WCA 1.	All alternative use existing Kissimmee chain of
14	The SEIS does not adequately describe the	lakes' and WCAs' regulation schedules
	relationship between the various Regulation	
	Schedules for the WCAs and the import of those	
	schedules to deliver and manage water for water	
	supply. The LWDD requests that a deviation for	
	WCA 1 be initiated so that, if necessary, it can be	
	utilized in the next year to assure deliveries to the	
	LEC canal system can be maintained.	
LWDD	The SEIS provides no detailed discussion of the	The revised SEIS has expanded the discussion of
15	relevant regulatory context or water quality	existing water quality conditions.
15	conditions for the STAs or estuaries but does	, , , , , , , , , , , , , , , , , , , ,
	regarding Lake Okeechobee. The SEIS must	
	address this issue.	
	Martin County Board of County Commissioners,	Comments noted.
	Susan L. Valliere, Chairman 09/05/06	Comments noted.
	Subali L. Valifere, Chairman 09/05/00	
	Miami Dada Caunty Gaarga Burgasa Caunty	Comments noted.
	Miami-Dade County, George Burgess, County	Comments noted.
	Manager 10/17/06	
	W	Comments noted
	Western Palm Beach County Farm Bureau, Ann	Comments noted.
	Holt, President, 07/12/06	
	Tribal	
	Lehtinen Vargas & Riedi, Attorneys at Law,	
	Dexter W. Lehtinen, Esq 10/16/06	
	MICCOSUKEE TRIBE	
Micc 1	The Draft SEIS should contain an engineering	Refer to Appendix A for revisions.
	analysis to support the 17.25 feet Lake level, and a	
	risk analysis of potential dike failure even if the	
	lake is lowered, so that decisions are made on	
	sound science.	
		I the second sec

37' 2	70	D.C LODIC C
Micc 2	If an engineering analysis shows that keeping the	Refer to revised SEIS for expanded discussion on
	Lake below 17.25 feet is necessary to ensure the	existing water quality conditions. The SEIS does
	integrity of the dike, this does not absolve the	fully disclose the impacts of the preferred
	Corps of its duty under the National	alternative (TSP) on flood control and water
	Environmental Policy Act ("NEPA") to disclose	supply.
	all impacts of such a change to the Lake regulation	
	schedule. Under NEPA, the Corps is required to	
	make the LORSS Environmental Impact Statement	
	a full disclosure document and to mitigate the	
	impacts. Thus, the Corps Draft SEIS must report	
	all excess water, and all excess phosphorus, that	
	will impact other environmental areas as a result of	
	the proposed alternative. The Draft SEIS should	
	also fully disclose the impacts of the TSP on flood	
	control and water supply but does not.	D C
Micc 3	The Draft SEIS also fails to assess the cumulative	Refer to expanded discussion of effects in the
	impacts on the Tribal Everglades in WCA 3A.	revised SEIS Section 6.19 and cumulative effects,
	This area of the Everglades is also the critical	Section 6.21.
	habitat for the endangered Snail Kite, which has	
	declined an alarming 50% under the IOP	
	operations in the southern part of the system. The	
	government promised the tribe that WCA 3A	
	would be preserved in its natural state in perpetuity	
	for the benefit and use of Tribal members. Sadly,	
	WCA 3A has severely deteriorated under IOP	
	operations, and the TSP, which will result in 47	
	additional weeks of sustained high water, will	
	exacerbate this damage.	
Micc 4	The Draft SEIS says this even though the	A new preferred alternative has been selected and
	modeling for 1bS2-M shows that this TSP will	displayed in the revised SEIS. Discussion of
	result in an additional 47 weeks of high water	effects to WCA 3A are found in Section 6.
	above the current IOP conditions in WCA 3A.	
	Additionally, the Draft SEIS incorrectly states that	
	there will be on significant differences in	
	inundation for tree islands even though Table 5-8	
	shows that there will be more weeks of high water.	
	(SEIS at p.96 and figure 5-7.) Not only are the	
	"impact conclusions" on WCA 3A and tree islands	
	incorrect, they are contradicted by modeling of	
	1bS2-M on the Corps web site. (See, Attachment	
	B.) The Tribe is perplexed how the Corps can	
	admit the devastation in WCA 3A wrought by	
	IOP, yet ignore the cumulative impacts that will be	
	caused by IOP coupled with 1bS2-M for the	
	LORSS, including the increased high water	
	impacts on tree islands, and the endangered Snail	
	Kite and its critical habitat.	mt div die die die moterni
Micc 5	The LORSS Draft SEIS fails to mention the	The snail kite is protected under the ESA. The
	current alarming plight of the Snail Kite, which	Corps has fully coordinated with the USFWS for
	has suffered a 50% decline under the years of	this species, and will be receiving a Biological
	ISOP and IOP operations. The Draft IOP SEIS	Opinion in May 2007.
	admitted that Dr. Wiley Kitchens believes that	
	"this trend of lowered reproduction is a cause of	
	concern regarding the sustainability of the (Snail	
	Kite) population." (Id. at p.68.) The Draft SEIS	
	fails to analyze the combined impacts that IOP	
	plus 1bS2-M (the preferred alternative for the	
	LORSS) will have on the Snail Kite and its critical	
	habitat in WCA 3A. The Tribe has attached the 2005 Snail Kite demography Annual Report	

	prepared for the Fish and Wildlife Service (FWS),	
	which states that researchers are very concerned	
	about the alarmingly high water levels that have	
	existed in WCA 3A. (Id. at p.19 and Attachment	
	C.) The SEIS must analyze the impacts that the	
	increased weeks of sustained high water above	
	IOP shown in the modeling for 1bS2-M will have	
) (' (	on the critical habitat in WCA 3A and Snail Kite.	Co. 1 C. WCA 2A '-1 I'm 4.
Micc 6	The Draft SEIS contains no hydrographs or stage	Stage duration curves for WCA-3A, including the
	duration curves for WCA 3A, nor does it analyze	old Restudy Indicator Region number 19, are
	the impacts that the TSP will have on WCA 3A or	provided in Appendix E.
	the indicator regions 14 and 19 specified in the	
	Incidental Take Statement for the Snail Kite under	
	IOP. Indeed, the Draft SEIS should contain	
	modeling results for all areas of the Everglades	
	impacted by the TSP in the LORSS, so that the public can comment. Simply putting such results	
	on a Corps web site does not meet the NEPA	
	requirement that the SEIS must be a full disclosure	
	document. Directing people, some who may not	
	even have a computer, to a complicated Corps web	
	site is not sufficient under the statute.	
Micc 7	The Tribe was especially disturbed by the	Refer to revised SEIS for expanded discussion of
111100 7	unsupported statement in the Draft SEIS at Section	effects to Native American Tribes.
	5.20 that, "There would be no impact to Native	
	American resources." (Draft SEIS at p.124.) This	
	statement is directly contradicted by modeling of	
	the preferred alternative for the LORSS on the	
	Corps web site, which shows there will be an	
	increase of 47 weeks of sustained high water on	
	Tribal Everglades WCA 3A, which has already	
	been flooded by the high water conditions created	
	by IOP. This increase in high water under the	
	preferred alternative will increase tree island loss	
	and further destroy the critical habitat of the Snail	
	Kite in WCA 3A. It also continues to break the	
	government's promise under the Indian Land	
	Claims Settlement Act that this area would be	
	preserved in its natural state in perpetuity for the	
	benefit and use of the Tribe. The Tribe has been	
	advised that new modeling will be conducted that	
	shows this water going through the L-8 to Lake	
	Worth. Yet, the L-8 does not appear to have the	
	capacity for this excess water which, in all	
	likelihood, will end up on Tribal lands in WCA	
Micc 8	3A. The Draft SEIS states, not based on any analysis,	Changes to the regulation schedule are operational
IVIICE 0	that there will be only very minor adverse effects	in nature, and effects to water quality are not
	on water quality in the WCAs. This conclusion is	expected to change due to the proposed alternative
	based only on an STA constraint, and not on a	schedule. Refer to discussion of cumulative
	water quality analysis that shows the quality of the	effects, section 6.21 for other Federal, State, and
	increased releases that will be going to the WCAs	local initiatives related to water quality
	and other areas as a result of the TSP lowering of	improvement.
	Lake Okeechobee approximately one foot. The	_
	expected to be released to various destinations	
	under any revised Lake Okeechobee regulation	
	schedule, including any additional release of water	
	under any revised Lake Okeechobee regulation	

n should also include an act the increased releases will ent Agreement requirements in Civ-Moreno in terms of both trations and load.  uld contain a biological and Wildlife Service (FWS) go other things, the combined if the preferred alternative for we on the endangered Snail Kite eat in WCA 3A.  alysis in the Draft SEIS.  uld have included a biological at the combined impact of IOP, weeks of sustained high water of eative, will have on the Snail habitat in WCA 3A but did eat p. 10.)  ft SEIS on IOP shows that both anot helped sub-population A tachment A, Draft IOP SEIS at species analyzed under the LORSS.
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not helped sub-population A USFWS. The cape sable seaside sparrow is a
TO COMPANY A LIPOTE HIM NELS OF LEMBORED STORY OF HIMADE THE LITTLE SA
ail Kite, the western sub- eclined since 1999. Id. The IOP and ISOP are separate from the LORSS.
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ntil Hurricane Andrew hit. Id.
ulation A estimates show that
under ISOP and IOP have
a decline, which would be in
ost and Greenlaw's warnings
ng taken for the sparrow are
a light of the public health and
orps should reinitiate
WS to reevaluate the closing of
ch if open could allow water to
deral Advisory Committee Act to the public. These meetings were not established
of the Draft SEIS shows that as and did not function as advisory committees
information, including subject to the Federal Advisory Committee Act.
at are not in the document
alternatives. The Draft SEIS Stage duration curves for WCA-3A are provided
alternatives. The Draft SEIS d analysis of modeling results  Stage duration curves for WCA-3A are provided in Appendix E.
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d analysis of modeling results in Appendix E.
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d analysis of modeling results uding hydrographs and stage number of weeks high/low ed) that show the impacts of the e on WCA 3A. Nowhere in the contain hydrographs of WCA of the Everglades, that show to IOP in these areas.  Iled to comply with its Trust  Refer to pertinent correspondence in the revised
in Appendix E.  uding hydrographs and stage number of weeks high/low led) that show the impacts of the e on WCA 3A. Nowhere in the contain hydrographs of WCA s of the Everglades, that show to IOP in these areas.
of the LORSS process.  Inative (1bS2-M) is the d Plan (TSP) that an advisory d to the federal agency (the was developed and screened in gs by a group that did not deral Advisory Committee Act of the Draft SEIS shows that information, including at are not in the document  The TSP was developed by the Corps. The or held regular meetings with representatives of local and Tribal governments for purposes of exchanging information regarding Lake Okeechobee operations. The meetings were to the public. These meetings were not established as and did not function as advisory committee Active (Telephone) and the corps of the Corps. The or held regular meetings with representatives of local and Tribal governments for purposes of exchanging information regarding Lake Okeechobee operations. The meetings were not established as and did not function as advisory committee Active (Telephone) and the corps of the corps of the Corps. The or held regular meetings with representatives of local and Tribal governments for purposes of exchanging information regarding Lake Okeechobee operations. The meetings were not established to the public of the public o

	rubber stamping it.	
	Now, the Corps has utilized and advisory	
	committee in the LORSS process that has	
	recommended a TSP that will exacerbate the high	
	water conditions in WCA 3A without holding the	
'	meetings required by FACA and without prior	
	consultation with the Tribe.	
Micc 13	According to the Draft SEIS the No Action	Refer to SEIS Section 2.6.1 for complete
	Alternative is the WSE but with temporary	description of the "no action" alternative.
	forward pumps that do not exist. (Draft SEIS at	
	p.14.) It is improper to use an alternative that does	
	not currently exist as the No Action Alternative,	
	rather than the WSE that currently does, as the No	
	Action Alternative in the LORSS NEPA analysis.	
	The No Action Alternative should be the last	
	Water Control Plan and regulation schedule for	
	Lake Okeechobee that has gone through the	
	reviews required by law.	
Micc 14	The Corps SEIS fails to contain a cumulative	The revised SEIS expands the discussion on
	impact analysis that analyzes the combined impact	cumulative effects, Section 6.21.
	that the past eight years of water management	,
	operations have had on WCA 3A and the human	
	environment coupled with the future years of IOP	
	and 1bS2-M for the LORSS. The Corps can not	
	rely on a one paragraph non-analysis in the Draft	
	SEIS at Section 5.22 that says that "cumulative	
	impacts are likely to occur" but does not analyze	
	what they would be. (SEIS at p.125.) NEPA	
	requires the Corps to assess the cumulative	
	impacts of their past and present operations on the	
Micc 15	human environment.  The Draft SEIS for the LORSS contains no public	Additional modeling conducted see improvements
WHEE 13	health and safety analysis of how having no cap on	to TSP and refer to Appendix A for revisions.
	how high the water can get in WCA 3A under	to 151 and 16161 to Appendix 11 151 to Assess
	IOP, coupled with the increased weeks of high	
	water in WCA 3A under the TSP, will impact the	
	Tribe. In the Draft and Final EA on the 1998 so-	
	called emergency deviation for the sparrow, the	
	Corps admitted that there are design integrity	
	concerns for WCA 3A when water in high.	·
	(Attachment D.) While the Corps has properly	
	expressed concern about the integrity of the dike	
	surrounding Lake Okeechobee and high water	
	conditions, it has not expressed any concern, nor	
	analyzed, the impact that the increase in weeks of	
	high water in WCA 3A under 1bS2-M could have on the members of the Miccosukee Tribe who live	
	in the area of the WCA 3A levee.	
Micc 16	The Draft SEIS for the LORSS fails to address the	For comments referring to IOP, please refer to the
WHICE TO	issue of whether the resulting reduction in storage	Final Supplemental Environmental Impact
	in the WCAs under IOP has exacerbated the	Statement dated 22 January 2007. The link to the
	impacts that hurricanes	IOP document can be found at:
	and storms have had, and will continue to have, on	http://planning.saj.usace.army.mil/envdocs/envdoc
	Lake Okeechobee. Nor does it contain a modeling	sb.htm#Dade-County
	analysis that shows the high water impacts on	
	WCAs, Lake Okeechobee, and the St. Lucie and	
	Caloosahatchee estuaries, as required under	The DSEIS (2006 and 2007 versions) do contain
	NEPA. The Tribe urges the Corps to address this	modeling analysis, which include high water

	health and safety issue, as the safety of Tribal	impacts (effects) on WCAs, Lake Okeechobee and
	members has been threatened in the past when	other physiographic regions related to the Lake
	Hurricane Michelle threatened and closed S-12	Okeechobee Regulation Schedule.
Micc 17	structures were threatening to overflow  The modeling for the preferred alternative (1bS2-	Additional modeling conducted for 2007 LORSS
WHICE I /	M) that was posted on the Corps web site shows	SEIS. Performance measures for WCA-3A are
	47 more weeks of sustained high water in WCA	provided in Appendix E. The 2007 LORSS SEIS
	3A over IOP under the TSP. (Attachment B) Yet,	recommended plan shows a slight reduction in
	the Draft SEIS contains no modeling results for	high water conditions for WCA-3A, compared to
	WCA 3A and the other areas of the Everglades for	the LORSS base condition that includes IOP
	the public to review. No hydrographs for WCA	operations.
	3A are contained in the Draft SEIS that compares	•
	the number of high water weeks under IOP (439)	
	with that under 1bS2-M (486). Id. It is improper	
	under NEPA to not put these modeling results in	
	the Draft SEIS so that the increase in weeks of	
	sustained high water in WCA 3A can be readily	
	observed. The Draft SEIS should contain model	
	comparisons between IOP, 1bS2-M, and the	
	Natural Systems Model (NSM), so that the public	
	can comment on the differences.	
Micc 18	The statement in the Draft SEIS that "although the	Refer to modeling results presented in 2007 draft
	number of weeks varies, "none of these differences	SEIS, which are based on a revised preferred
	is significant" is not supported by the modeling or	alternative.
	science. The IOP SEIS states that one of the	
	"most significant causes of habitat degradation in	
	WCA 3A are flood damage to the tree islands in the northeastern and southwestern part of the	
	WCA. (Attachment A at p.1 61.) The TSP will	
	increase the number of weeks of high water in an	
	already drowning WCA 3A .9. The modeling	
	shows that the high water conditions in WCA 3A	
	will be exacerbated, along with impacts on tree	
	islands and the endangered Snail Kite's critical	
	habitat	
Micc 19	The Draft SEIS fails to adequately analyze the	Comment is addressed in Appendix E of the 2007
	adverse impacts that increasing the releases to	LORSS SEIS.
	other areas under 1bS2-M will have on flood risk.	
	The Draft SEIS should include stage hydrographs	
	for cells in the urban and agricultural areas for the	
	modeling period that shows ground elevations and	
	stage duration curves, so the public can determine	
	whether the preferred alternative in the LORSS	
16. 00	will increases the flood risk in any other areas.	Additional modeling conducted for 2007 LODGS
Micc 20	The preferred alternative in the LORSS (1bS2-M	Additional modeling conducted for 2007 LORSS
	and /or TSP) will allow water to reach one foot lower than level reached for WSE that was	SEIS.
	modeled over the 36 year period of record. This	Economic evaluation of the alternatives is included
	would greatly increase the possibility of a water	in the 2007 LORSS SEIS.
	shortage. In 2001, after a manmade draw down,	m mo both both bbit.
	Lake Okeechobee reached a record low of 8.99	
	feet. There was a severe water shortage that	
	resulted in serious socioeconomic consequences	
	that cost over \$10 million dollars and could have	
	been even more catastrophic if it had not rained.	
	The Draft SEIS must fully and clearly divulge the	
	increased risk of water shortages and discuss the	
	socioeconomic and potential consequences to	
	millions of people that could be affected. The	
	Corps must also take full responsibility for any	

	water shortages that occur.	
Micc 21	The Draft SEIS should also analyze an alternative	Please refer to expanded discussion on cumulative
141100 21	that involves the immediate completion of the	effects, Section 6.21.
	Modified Water Deliveries Project, which as	0110013, 50011011 0.21.
	Dennis Duke stated at the public meeting would	
	allow a heck of a lot of water to go south. Any	
	alternatives should also address evacuation.	
Micc 22	The Draft SEIS contains no cost estimate for the	A regulatory permit has been issued for the
22	forward pumps and all other components of the	forward pumps. An environmental analysis was
	TSP (1bS2-M). This cost information must be	completed for the regulatory action. This
	provided under the <i>full</i> disclosure and cost benefit	information will not be duplicated in the LORS
	analysis requirements of NEPA.	document.
Micc 23	Section 5.2.3 of the Draft SEIS incorrectly	An analysis for tree island inundation concluded
	concludes that since there is no proposed	that compared to the No Action Alternative,
	construction, will be no irreversible and	Alternative 1bS2-m showed no significant
	irretrievable commitment of resource. This is	difference. Regarding the snail kite in the Greater
	short-sighted and incorrect. The increase in the	Everglades, all alternatives modeled in the 2006
	number of weeks of sustained high water	LORSS, except for 2a-m, performed better than
	conditions in WCA 3A under 1bS2-M would	the No Action Alternative.
	cause destruction of tree islands that would be	
	irreversible and irretrievable. There could also be	
	an irreversible and irretrievable loss of resources	
	in other parts of the environment. The increased	
	number of weeks of high water would also cause a	
	further decline of the Tribal Everglades in WCA	
	3A and to the endangered Snail Kite, as well as	
	incalculable harm to the culture and way of life to	
	the Miccosukee Tribe	
Micc 24	the Draft SEIS fails to adequately analyze the	Changes to the regulation schedule are operational
	impact that the preferred alternative would have on	in nature, and effects to water quality are not
	water quality both in WCA 3A and other areas of	expected to change due to the proposed alternative
	the Everglades and Everglades National Park,	schedule. Refer to discussion of cumulative
	including whether these releases would comply	effects, section 6.21 for other Federal, State, and
	with the Settlement Agreement requirements in the	local initiatives related to water quality
	Everglades case before Judge Moreno.	improvement.
Micc 25	Any change to the Regulation Schedule for Lake	Additional modeling conducted. Please see
	Okeechobee constitutes and amendment to the	improvements to TSP and Refer to Appendix A for
	rules and regulations for the operation of the	revisions.
	Central and Southern Florida Project (C&SF).	
	This amendment of rules and regulations requires	
	that the Corps comply with the required	
	rulemaking procedures, including notice and the	
	opportunity to be heard, pursuant to APA. The	
	Draft SEIS does not state that the Corps plans to	
	comply with the rulemaking requirements of the APA. Additionally, the Tribe objects to the Non-	·
	Typical Operations (NTO) defined in the Draft	
	SEIS. The Tribe contends that the Corps is	
	improperly using these NTO to side step	
	regulations that require the Corps in Jacksonville	
	to seek permission from higher levels for	
	deviations from the regulation schedule that also	
	require NEPA compliance.	
Micc 26	The ESA requires that biological opinions be	The LORS has been fully coordinated with the
	prepared as part of the interagency consultation	USFWS. The snail kite is a species analyzed
	process to analyze whether proposed actions are	under the LORSS.
	likely to jeopardize the continued existence of	
	endangered species. The Corps should reinitiate	IOP is separate from the LORSS. Separate
	consultation with FWS on the preferred alternative	coordination with the USFWS has or will occur
	(1bS2-M) immediately, and issue a new Draft	under IOP. Cumulative effects discussion is found

	SEIS that contains a biological opinion that	in revised SEIS Section 6.21.
	analyzes the impact of the TSP on all endangered	- 11 10 1 10 0 0 0 0 0 0 0 0 0 0 0 0 0 0
	species. The Biological Opinion should discusses	
	whether the Corps can meet the terms and	
	conditions for the Snail Kite contained in the	
	Incidental Take Statement ("ITS") on IOP under	
	the increased weeks of sustained high water of	
	1bS2-M, and contain modeling results for	
	indicator regions 14 and 19.	
	Lewis, Longman & Walker, PA, Michelle	
	Diffenderfer 10/16/06 (SEMINOLE TRIBE OF FLORIDA)	
Sem 1	Please add a discussion of mitigation measures	
	necessary to offset any impacts to the STOF	
	pursuant to the Water Rights Compact and	
	Agreements between the STOF and SFWMD.	
Sem 2	Please include in the document any results of	The SFWMM operations for the water supply
	water supply modeling that has been completed	delivery to the Seminole Reservations, including
	that would address the STOF's lands and resources	assumed structures and operational triggers, were
	more directly. The STOF requests that the water	not modified for the LORSS simulations. It is
	supply modeling include the proposed operational	recognized that modifications or improvements to
	plans in order to make deliveries per the 1992	the water supply delivery network may be
	Agreement. This Agreement contains stipulations	necessary to continue to provide water supply deliveries per Tribal agreements with the state.
	on the necessary canal levels to make deliveries	Alternative simulation results for the STOF water
	during water shortage.	supply performance measures are included in
		Appendix E of the 2007 LORSS SEIS. For further
:		Information, please refer to Chapter 6 of the
		Revised DSEIS.
Sem 3	The Tribe's 1989 Agreement between the	The SFWMM operations for the water supply
Sems	SFWMD and the STOF states that when Lake	delivery to the Seminole Reservations, including
	Istokpoga can no longer release water, but while	assumed structures and operational triggers, were
	canals are still at or near optimum levels, the	not modified for the LORSS simulations. It is
	SFWMD will deliver the STOF fifteen (15%) of	recognized that modifications or improvements to
1	the available water in the canals. It's likely this	the water supply delivery network may be
1	cannot be achieved without modifications to the	necessary to continue to provide water supply
	G-207 and G-208 pumping facilities. Has there	deliveries per Tribal agreements with the state.
	been any analysis on whether or not this can be	Alternative simulation results for the STOF water
	achieved with the proposed schedule?	supply performance measures are included in
		Appendix E of the 2007 LORSS SEIS. For further
		Information, please refer to Chapter 6 of the
	TY 1 d d 177 1 YORGO 110 1	Revised DSEIS.
Sem 4	How is the flexibility in LORSS accounted for in	Many revisions have been made to improve
	terms of making deliveries pursuant to the	performance of the Preferred Alternative. NTOs
	Compact? Specifically how do the Non-typical	have been removed from the operational guidance. Please refer to Appendix A for revisions.
	Operations ("NTOs") account for the Tribal	I lease refer to Appendix A for revisions.
Sem 5	Entitlements? Approximately one-fifth of the Brighton	Please refer to additional model output in
Sem 3	Reservation is included within the LOSA. This	Appendix E for specific performance for Big
	relationship regarding the STOF's reliance on	Cypress and Brighton.
	water supply deliveries as a part of the LOSA must	->L-200 andO
	be included in the SEIS. Pages E-27 and E-74-76	
	show that for the Lake Okeechobee Service Area	
	the increased risk to water supply is 30,000 acre	
	considered unacceptable. The 9% 'demands not	
1	met' for the LOSA would not be acceptable for the	
{   	feet or 9% 'demands not met.' During the CERP discussions and evaluations, the STOF agreed to a 3% 'demands not met' at Brighton Reservation.  Anything over 7% 'demands not met' was	
1	I met for the LOSA would not be acceptable for the	

	STOF. There is also concern of how the CERP	
	plans will mesh with the new schedule. Will the	
	9% 'demands not met' be added to the CERP%	
	'demands not met'? The STOF requests that the	
	Corps analyze the impacts specifically for the	
	Brighton Reserve.	
Sem 6	The assumption for the Seminole Brighton	Please refer to revised DSEIS for expanded
	Reservation on page E-83 reads that the Tribal	discussion on water supply impacts in Section
	rights to the quantities in Table 7, of the 1992	6.12, 6.12.1 and 6.19.
	Agreement are preserved. Table 7 is inappropriate	,,
	to use because it is a minimal amount of water to	
	be delivered to the STOF when Lake Okeechobee	
	or Lake Istokpoga are in a declared water shortage.	
	The appropriate quantities are those approved in	
	the STOF's Work Plan which is annually approved	
	because these quantities are based upon actual	
	demand or use, not just quantities in a declared	
	shortage period. Pursuant to that 1992 Agreement,	
	the SFWMD must use it best efforts to operate the	
	pumps at S-71 and S-72 on the C-41 and C-40	
	canals when the level of Lake Okeechobee fall	
	below ten (10) feet NGVD, as long as	
	mechanically possible without damaging the	
	pumps, in order to provide the minimum amounts	
	of water identified in Table 7. Increased	
	Minimum Flow and Level exceedences and	
	violations, as indicated in various SFWMD water	
	supply presentations, and lower Lake stages	
	overall indicate that it will be more difficult for the	
	SFWMD to meet this obligation. Please provide	
	an analysis of the impact of those lowered Lake	
	levels on the SFWMD's ability to meet this	
	obligation.	
Sem 7	The 1996 Agreement between the SFWMD and	Please refer to revised DSEIS for expanded
Sciii /	STOF Providing for Water Quality, Water Supply	discussion on water supply impacts in Section
	and Flood Control Plans for the Big Cypress	6.12, 6.12.1 and 6.19.
	Seminole Indian Reservation and the Brighton	0.12, 0.12.1 414 0.13
	Seminole Indian Reservation states in Section	
	D.4., that the SFWMD is required to mitigate and	
	/or study any changes in surface water supplies to	
	the Brighton and Big Cypress Reservation due to	
	implementation of the Everglades Program,	
	SFWMD Water Supply Plans, and changes to	
	Lake Okeechobee Regulation Schedules which	
	may be developed or adopted. Based on the	
	Consultation meeting on September 25, 2006, it is	
	the STOF's understanding that the SFWMD will	
	mitigate such impacts in accordance with the	
	Compact, the 1992 Agreement, and 1996	
	Agreement. Please include a discussion of these	
	mitigation measures in the SEIS which will be	
	necessary due to the implementation of the	
	proposed alternative.	
Sem 8	It would appear that continued deliveries of the	Please refer to revised DSEIS for expanded
	STOF's water entitlement to the Brighton and Big	discussion on water supply impacts in Section
	Cypress Reservations will only be possible in low	6.12, 6.12.1 and 6.19.
	water conditions by way operation of the	<u> </u>
	temporary forward pumps or with the G-207 and	
	G-208 pumping facility modifications referenced	
	above. Until the necessary permitting for these	
	I WOULD CITE MAD TOODOOM ! DOTHING TO MADO	

	pumps is complete we will not know whether the	
	water supply impacts to the Reservation can be	
	ameliorated.	
Sem 9	The revision of the Supply Side Management line and rulemaking is an important consideration and more detailed discussion of that rule needs to be included in the document.	The revised SEIS expands the discussion of SSM.
	Non-Government Organizations	
	Audubon of Florida, Paul N Gray, PhD, Science Coordinator 10/10/06	
Aud 1	Incorporate a prescription for a SAV-restoring drawdown that would lower the lake in the spring to about 12 ft for 12 weeks, in two consecutive years (weather permitting). It would also be useful to describe triggers for whether lake levels are suitable to attempt the drawdown in any given year.	Due to a lower lake schedule, there is a high probability of a natural recession occurring under the Preferred Alternative. As such, the likelihood of implementing this action under the lower regulation schedule would be minimal. An example of how a managed recession could be implemented in the future is included in Appendix F.
Aud 2	The Corps should include flexibility to make releases to the St. Lucie either in a pulse or continuous pattern, which would allow interested parties to monitor the estuary response to determine which is preferable.	Refer to Appendix A for revisions.
Aud 3	To reduce MFL violations to the extent practicable, maintain the provisions to provide releases to the bottom level of the "base flow" band. Measuring flows at the "downstream" S-79 structure, as opposed to the lakeside S-77 structure, also allows more precise salinity management.	Refer to Appendix A for revisions.
Aud 4	Develop PMs for lake features, such as reversals, recession rate for wading birds, snail kites, as developed for WCAs and include in 2010 regulation schedule revisions.  Cape Coral Tarpon Hunters Club, Roy Bennett, President (not dated)	The PMs used for the current LORSS were developed and agreed to by the Project Delivery Team. Suggestion will be considered in Phase 4 of LORSS.
	Coastal Wildlife Club, Turtle Division, Carol Leonard, Secretary, 8/10/06	
CWC 1	No data or analysis to support how the 17.25' elevation was derived or its basis as a constraint in selecting a TSP has been offered to any interested party. To our knowledge, no information substantiating that this particular elevation is necessary to protect public safety has been forthcoming. CWC requests that the Corps eliminate the "17.25' constraint" and integrate public safety constraints based upon sound	The 17.25 constraint was removed and treated as a performance measure in the 2007 SEIS.
	engineering justification.  Caloosahatchee River Watch, (Riverwatch), Marti	
	Daltry, President 09/15/06	
	Condominium Associations of Sanibel (CASI), Sonja Smith, Executive Director 08/02/06 and 09/03/06	
	Charlotte Harbor National Estuary Program, Lisa B Beever, PhD, AICP, Director, 09/26/06	
CHNEP	The imposition of the "absolute" constraint of	The 17.25 constraint was removed and treated as a

1	17.25' elevation reduced the ability for Lake	performance measure in the 2007 SEIS.
	Okeechobee to hold water which will result in	Additional modeling conducted. Please see
	excessive flows to the Caloosahatchee	improvements to TSP.
	estuarywe recommend that the base elevation	,
	of the Base Flow zone be lowered to accommodate	·
	the reduction of volume related to the High zone.	
CHNEP	This year, the District and the Corps have been	Refer to Appendix A for revisions.
2	more successful in meeting delivery target water	
	flows to the Caloosahatchee estuaryUsing a	
	sliding scale or 450-800 csf for the Caloosahatchee	
	and 0-350 csf for the St. Lucie has been very	
	successful. The protocols used that have been	
	successful should be added to Appendix A.	
CHNEP	Protocols added to Appendix A should included as	Refer to Appendix A for revisions.
3	primary consideration target salinity regimes in the	
	Caloosahatchee estuary and fish spawning in the	
	St. Lucie estuary.	
CHNEP	There is no analysis regarding the relief that other	Refer to Appendix A for revisions.
4	parts of the system can contribute to lake safety,	
'	lake health, and estuary health. For example, there	
	is no analysis given regarding temporary storage	
	north of the lake by temporary deviations from	
	height limits to prevent water creating health and	
	safety problems with the lake. These other	
	opportunities to reduce lake elevations need to be	
	captured or, in some cases, re-captured under the	
	SEIS.	
CHNEP	The RECOVER performance measures for the	Additional modeling conducted. Please see
5	Caloosahatchee Estuary that were relied upon by	improvements to TSP and Refer to Appendix A for
3	the Corps in developing the SEIS are stated in	revisions.
	terms of release rates at S-79. Therefore,	TO VISIONS.
	permissible Lake Okeechobee release rates at S-77	
	should be expressed as the release rate through S-	
	77 which, when added to the basin drainage at S-	
	19, equals the selected performance measure for	
	the Caloosahatchee Estuary.	
CHNEP	The maximum wet season flow to the	Additional modeling conducted. Please see
1 _	Caloosahatchee at S-79 that is scientifically	improvements to TSP and Refer to Appendix A for
6	documented to be acceptable from an	revisions.
	environmental standpoint is 2,800 cfs. Therefore,	10 1310113.
	the SEIS should be amended to eliminate releases	
	to the Caloosahatchee that result in flows in excess	
	of 2,800 cfs at S-79 except when the lake's	
	elevation reaches the High lake Management	
	Band.	
CHNEP	If releases to the Caloosahatchee Estuary in excess	The revised SEIS supports a revised preferred
7	of 2,800 cfs at S-79 continue to be a part of the	alternative which improves performance to the
'	proposed regulation schedule at lake elevations	Caloosahatchee Estuary.
		Caroosanatonee Estadiy.
	lower than the High Lake Management Band, the	
	Corps must support that proposal with a full	
	assessment of the environmental impacts on the	
	Caloosahatchee Estuary of those demonstrably	
	damaging releases. Those estuarine environmental	
	impacts must then be balanced against the	
	environmental impacts that would be experienced	
	in the lake, above the lake, in the EAA, and by	
	other users of lake water in order for the LORSS	
	SEIS to meet its stated objective of providing "a	
	more equal distribution of shared adversity" than	
1	exists under the current WSE.	

CHNEP 8	The revised schedule should retain specified Level 1, 2, and 3 pulse releases, but should expressly	Additional modeling conducted. Please see improvements to TSP and Refer to Appendix A for
o	authorize partial pulses where warranted and	revisions.
	otherwise consistent with the Operational	TOVISIONS.
	Guidance.	
CHNEP	It is unclear why so-called "Make-up Releases"	Refer to Appendix A for revisions.
9	are only authorized where the release is to tide	
	(i.e., to the estuaries). If it is important to ensure	
	that authorized releases from Lake Okeechobee to	
	tide occur as soon as limiting downstream	
	conditions abate, it seems equally important that	
	impeded releases through the EAA to the WCAs	
	also occur as soon as impediments no longer exist.	
	The Corps should expand the notion of Make up	
	Releases to include both releases to tide and those	
,,,,	through the EAA to the WCAs.	
CHNEP	The proposed "Non-typical Temporary	Refer to Appendix A for revisions.
10	Operations" (NTO) scernario functions as pre-	
	planned temporary deviation from the basic	
	regulation schedule of the SEIS. The conditions	
	under which NTO are triggered however, are over	
	inclusive. Legitimate triggers include existing	
	undesirable high lake levels and forcasts of	
	imminent undesirable high lake levels resulting	
	from weather conditions or hydrologic modeling.	
	Unsupportable triggers include (1) long-range or seasonal weather forecasts, (2) unusual ongoing or	
	planned temporary deviation activities at C&SF	
	Project features (e.2planned much removal	
	operations which require lower lake elevations);	
	(3) the desire to facilitate a periodic managed	
	recession of the lake; and, (4) simple agreement	
	among State and Federal agencies indicating an as	
	yet unidentified "need." Authorizing damaging	
	high volume releases to the estuaries, in particular	
	to the vulnerable Caloosahatchee Estuary on the	
	grounds of suspicion and expedience cannot be	
	supported. These latter 4 triggers should be	
	deleted from the final regulation schedule and the	
	Corps should rely instead on case specific	
	temporary deviations when specific needs are	
	identified.	
	Conservancy of Southwest Florida, Jennifer	
~~	Hecker 10/13/06	The Come does not come that the Link later
CSWF 1	The Corps placed an arbitrary constraint on the	The Corps does not agree that the high lake
	alternatives considered in the SEIS to the	constraint was placed arbitrarily into the LORSS.
	detriment of the Caloosahatchee by refusing to	However, the 17.25 constraint was relaxed and treated as a performance measure in the 2007
	consider any regulation schedules that resulted in	SEIS.
	the lake levels above 17.25 feet NGVD. The SEIS	DEIG.
	states that the corps is relying on its 1998 evaluation of the risk of failure of the Herbert	
	Hoover Dike for the limit of 17.25, but this report	
	does not support this maximum level. (see Herbert	
	Hoover Dike Major Rehabilitation Evaluation	
	Report, U.S. Army Corps of Engineers 1998).	
CSWF 2	The Corps improperly excluded any alternatives	The Corps disagrees with this statement. It was
CSWF Z	involving structural modifications to the Lake	never the intent to include structural modifications
	Okeechobee system	in the current LORSS. As explained in the 2006
	1 0200000000000000000000000000000000000	SEIS, this is an interim schedule that would be

		implemented until water storage features come
CSWF 3	There is not a clear baseline or no-action alternative. The SEIS discusses the baseline or no-action alternative as the Corps Water Supply and Environment ("WSE") regulation schedule approved in 2000. In fact, the current regulation schedule is a Temporary Deviation to the WSE approved by the Corps for the period January 26, 2006 to December 31, 2006. There were also temporary deviations in 2004 and 2005. The analysis contained in the SEIS did not appear to include the regulations schedule embodied in the current Temporary Deviation, which was a response to three highly active tropical cyclone years.	online in the C&SF system through the CERP.  The revised SEIS defines, more clearly, the "No Action" Alternative. Reference Section 2.6.1.
CSWF 4	The Corps should clearly address whether the Adaptive Protocols developed by the SFWMD and the Corps in 2002 (South Florida Water Management District 2003) are part of the baseline or no-action alternative.	The Adaptive Protocols developed by the SFWMD were not included in development of the TSP, however, they are included in the proposed operational guidance. Refer to Appendix A for revisions.
CSWF,5	Finally, the baseline considered in the SEIS is not a "no-action" alternative as required by NEPA regulations. It is the 2000 WSE plus temporary forward pumps leading to permanent forward pumps. The Conservancy is not opposed to forward pumping and is not advocating the continued use of the 2000 WSE, but we believe it is important for the SEIS to state clearly what the no-action alternative is and to evaluate it with the other alternatives. If forward pumping is being evaluated under NEPA, it should be addressed as part of this DSEIS.	The revised SEIS explains more clearly the "No Action" Alternative. Reference Section 2.6.1. Forward pumps were evaluated under the recently issued regulatory permit.
CSWF 6	The DSEIS, while acknowledging the adverse impacts to the Caloosahatchee River and Estuary from the Preferred Alternative, did not discuss mitigation measures at all.	The preferred alternative improves the conditions for Lake Okeechobee and the estuaries, while continuing to ensure public health and safety, and with minimal or no impact to the competing project purposes. There are no adverse impacts due to the proposed schedule that would require mitigation measures.
CSWF 7	The SEIS and its choice of a Preferred Alternative are flawed due to the reliance upon a rain fall and a runoff model which does not include the current wet period. The model used in the SEIS includes a period of record from 1965 to 2000. Yet, some of the worst releases to the Caloosahatchee have occurred since this time, and there is a growing scientific consensus that we have entered a new period of wetter weather, which would not be	The SFWMM produces daily output for a 36-year POR: 1965-2000. It is recognized that additional data could be provided from an extended POR. The 36-year POR includes a wide range of climatologic and meteorologic conditions. All alternatives are evaluated for this common POR and compared to the No Action Alternative.  The SFWMM is a regional-scale computer model
	reflected in the period of record used, which was from an extended drier period.  The Corps should develop the means of modeling the performance of a full range of LORSS alternatives with projected rainfall and inflow from the current wet period, including a least the data	that simulates the hydrology and the management of the water resources system from Lake Okeechobee to Florida Bay, and the SFWMM remains the best available tool for performing a comprehensive evaluation.  To provide additional information for the expected
	available from 2000 to 2005. Failure to do so, in the face of the evidence of a significant difference in inflows to the lake, calls into question the whole	performance of the 2007 LORSS SEIS recommended plan for the 2001 through 2005 period of record, LOOPS simulations were

	LORSS.	conducted by the SFWMD for the No Action Alternative and Alternative T3. A summary of the hydrologic output is provided in Appendix E.
CSWF 8	The DSEIS does not address the impacts of the discharges from the lake on water quality.  There is ample evidence that the regulation schedule has dramatic impacts on water quality in the Caloosahatchee, including abnormal salinity levels (low and high), high nutrient levels, dark color and turbidity, and pesticide contamination.	Changes to the regulation schedule are operational in nature, and effects to water quality are not expected to change due to the proposed alternative schedule. Refer to discussion of cumulative effects, section 6.21 for other Federal, State, and local initiatives related to water quality improvement.
CSWF 9	The essential Fish Habitat Assessment in the DSEIS was flawed because it failed to consider the devastating impacts of an increase in high flow releases form the lake that would result from the Preferred Alternative. The DSEIS does not reveal the results of consultation with the National Marine Fisheries Service. A revised DSEIS should be prepared with the results of consultation and circulated for public review and comment.	The Corps did coordinate the 2006 SEIS with NMFS under the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). Additionally, NMFS participated on the Project Delivery Team. The 2007 SEIS has also been coordinated with the NMFS under the MSFCMA.
CSWF 10	the Conservancy believes it is premature to finalize the DSEIS before the FWS completes its consultation with the Corps on endangered species issues. That consultation should be expanded to include endangered species in the Caloosahatchee, including the manatee and the Florida smalltooth sawfish.	Coordination with the USFWS and the NMFS under the ESA is underway. A biological opinion from the USFWS is forthcoming.
CSWF 11	The DSEIS also failed to assess the extent to which nutrient laden discharges from the lake are causing or exacerbating red tide, which is deadly to manatees. The FWRI study found that:  Manatees on Florida's west coast are frequently exposed to brevetoxin, a potent neurotoxin, during red tide events. Manatess are exposed through inhalation and ingestion of the toxin. According to Landsberg and Steidinger (1998:97), "a unique combination of environmental, geographical, and biological factors must co-occur to cause these mortalities." These factors include high salinity, high concentrations of red tide organisms, co-occurrence of those high concentrations of red tide organisms and manatees, and long periods of exposure. Manatees appear to be a highest risk in coastal southwestern Florida when salinities are higher than 28 ppt and when many manatees disperse into the algal bloom (Landsberg and Steidinger, 1998). West coast manatees are frequently exposed to brevetoxin as a consequence of red tide events. In 1996, 151 manatees died in southwestern Florida from brevetoxicosis (red tide poisoning). The epizootic was particularly detrimental to manatees because more adults than any other age class were killed (Pithcford 2002). Researchers believe another red tide epizootic killed at least 37 manatees in 1982(O'Shea et at., 1991). In 2002 and 2003 combined, 133 manatees were killed by effects of red tide, and in 2005, 81 manatees were suspected to have died form	Refer to revised SEIS for expanded discussion on red tide, algal blooms, and existing water quality conditions.

	brevetoxicosis.	
	Florida Farm Bureau Federation, Charles M. Shinn, Assistant Director; Carl B. Loop, Jr, President; 07/10/06	
FFVA 1	Florida Fruit & Vegetable Association, Alan Peirce, Manger of Government Affairs 10/12/06 We ask that you do not approve any changes to the	As stated in the 2006 SEIS, a Biological Opinion
	current regulation schedule until a favorable USFWS opinion is received and the forward pumps are permitted.	is forthcoming from the USFWS.
FFVA 2	Please recognize that grower must have predictability in water supply in order to make business decisions. The non-typical section effectively removes this prediction, and ask that this section be deleted.  Gulf Citrus Growers Association, Inc., Ron	Refer to Appendix A for revisions.
	Hamel, Executive Vice President, 07/11/06	
	International Resource Economics and Planning; Caroline Hoisington, 09/28/06	
IREP 1	Keep the water releases down the Caloosahatchee River below the levels (2800 cfs in the wet season) recommended by biologists, and make this a stated limit as part of your written water management plan.	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.
IREP 2	Use multi-directional low-level water releases, rather than forcing the Caloosahatchee to be the major recipient of large amounts of polluted water as it has been for two years now.	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.
IREP 3	Use multiple, smaller releases throughout the year, and keep the overall lake levels lower than in the past to facilitate storage of water when high rainfall/inflow cause rapid rise in water level in the Lake, which would be consistent with safety concerns about the dike.	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.
IREP 4	work with the SFWMD to use the additional water storage/disposal areas that they have already identified (and more that they will) under their LOER initiative, and to incorporate these areas into your model and planning efforts as they become available.	Refer to revised SEIS Section 4.5.1.
	Purre Water Coalition, Michael J. Valiquette, Chairman (not dated)	
PURRE 1	The DSEIS does not consider and adequate array of alternatives	The Corps disagrees with this statement. Refer to revised SEIS Section 2.2, and Appendix E for the history of alternative development and strategies used to improve performance of those alternatives.
PURRE 2	The 17.25 ft criterionresults in alternatives that will cause harm to the Caloosahatchee River and Estuary. Modeling contained in the DSEIS indicates that more than half of the Lake releases	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.
	are sent to the Caloosahatchee Estuary  The 17.25 ft. constraint appears to be entirely	The 17.25 constraint was removed and treated as a performance measure in the 2007 SEIS.
	arbitrary.	
	we are aware of no technical document or	

	engineering study that indicates that 17.25 feet is	
	the Lake level at which there should be zero or	
	close-to-zero days above it for a 36 year period of	
	record, the goal set forth in the DSEIS.	
	At a minimum, modeling must be conducted to	
	assess the impact, if any, that Lake levels higher	
	than 17.25 ft. would have on the integrity of the	
	Dike.	
PURRE	The STA-3/4 capacity limitationresults in	STA-3/4 is one of six large treatment wetlands
3	more Lake water being sent down the	managed by the SFWMD as part of the Everglades
5	Caloosahatchee River into the Estuary.	Construction Project. Due to the treatment
	Caroosanatenee River into the Estaary.	capacity of STA-3/4, a capacity constraint was
	The STA 2/4 constraint places the interests of	
	The STA 3/4 constraintplaces the interests of WCAs over the interests of the Caloosahatchee	assumed in the modeling of alternatives. Refer to
		revised SEIS Section 2.5 for further details.
	Estuary.	
	We simple do not reducted and officer	
	We simply do not understand why the Corps is	
1	willing to adopt a hard constraint based on water	
	quality for the WCAs but not for the	
	Caloosahatchee Estuary.	
PURRE	The DSEIS does not include any alternative that	All alternatives were developed to meet the
4	would provide significant benefits to the	LORSS objectives as defined in the SEIS. For a
	Caloosahatchee Estuary.	multiple purpose lake, such as Lake Okeechobee, a
		regulation schedule attempts to balance competing
		objectives. One objective of the study is to
		improve conditions to the estuaries. The preferred
		alternative meets this objective.
PURRE	the Corps should evaluate at least one	Refer to PURRE 4 response above.
5	alternative that will result in significant benefits	•
	for the Caloosahatchee Estuary and its surrounding	
	communities.	
	One alternative that would result in benefits to the	
	Caloosahatchee Estuary is Alt 1-as2	
	,	
	was eliminated from consideration due to the	
	17.25 ft. lake-level criterion	
PURRE	The Corps fails to comply with such regulations in	The revised SEIS explains more clearly the "No
6	the DSEIS, which does not contain an analysis of a	Action" Alternative. Reference Section 2.6.1.
	true "no action" alternativethe "no action"	Forward pumps were evaluated under the recently
	alternative analyzed in the DSEIS is a combination	issued regulatory permit.
	of the current schedule, WSE, <u>plus</u> "the	issued regulatory permit.
	addition of temporary forward pumps."	
	addition of temporary forward pumps.	
	the DSEIS should not include those in the "no	
	action" alternative.	
	the DCEIC should analyses the " and ""	
	the DSEIS shouldanalyze a true "no action"	
	alternative (WSE) with no modifications or	
DIME	additions.	
PURRE	Analysis of these temporary forward pumps	Forward pumps were evaluated under the recently
7	pursuant to various environmental laws, including	issued regulatory permit.
	NEPA, must occur together in the DSEIS.	
PURRE	All of the hydrological modeling underlying the	The SFWMM produces daily output for a 36-year
8	analysis in the DSEIS was performed using a 36	period of record (POR): 1965-2000. It is
1	year period of record, from 1965 to 2000some	recognized that additional data could be provided
	of the very worst impacts of Lake releases on the	from an extended period of record. The 36-year
	Caloosahatchee River and Estuary have occurred	period of record includes a wide range of
	since 2000	climatologic and meteorologic conditions. All

PURRE 9	Exclusion of the data from these post-2000 years both skews the analysis and conceals from the public what would have happened to the Caloosahatchee Estuary  The discussion in the DSEIS of water quality impacts in the Caloosahatchee Estuary does not even close come to scratching the surface of the facts the DSEIS contains zero discussion of why and/or how such high regulatory releases cause impacts. the Corps needs to analyze such potential impacts of Lake releases. virtually no discussion of what different alternatives would mean for salinity issues, nutrient loading, color/turbidity, or other critical issues relevant to the well-being of Estuary.	alternatives are evaluated for this common period of record and compared to the No Action Alternative.  The SFWMM is a regional-scale computer model that simulates the hydrology and the management of the water resources system from Lake Okeechobee to Florida Bay, and the SFWMM remains the best available tool for performing a comprehensive evaluation.  To provide additional information for the expected performance of the 2007 LORSS SEIS recommended plan for the 2001 through 2005 period of record, LOOPS simulations were conducted by the SFWMD for the No Action Alternative and Alternative T3. A summary of the hydrologic output is provided in Appendix E.  The revised draft SEIS expands discussions on water quality (Section 5.9 and 6.14).). Additionally, Section 6.21, cumulative effects, discusses other Federal, State and local initiatives related to water quality improvement in central and south Florida.  The revised draft SEIS expands discussions on water quality (Section 5.9 and 6.14). Additionally, Section 6.21, cumulative effects, discusses other Federal, State and local initiatives related to water quality improvement in central and south Florida.
	There should be, at a minimum, modeling of water quality impacts in the Estuary such as the modeling done for the STAs and the Total Maximum Daily Loadsthe TSPwill increase average annual flows to the Caloosahatchee Estuary by at least 31,000 acrefeet (and even more in wet years), may cause an additional 4-24 tons of phosphorus to enter the Caloosahatchee Estuary each year (based on the increase in average annual flows). Such impact cannot be insignificant.	It is outside the scope of the regulation schedule study to model for water quality effects in the Caloosahatchee Estuary.
PURRE 11	There is also no discussion of how water quality impacts are likely to relate to secondary ecological impacts, such as health of plants and seagrasses, algae growth, marine organisms, or fish. Without such modeling and analysis of water quality impacts, the Corps cannot know whether the new regulation schedule will be better or worse for the Estuary.	The revised draft SEIS expands discussions on water quality (Section 5.9 and 6.14) and algal blooms (Section 5.2). Additionally, Section 6.21, cumulative effects, discusses other Federal, State and local initiatives related to water quality improvement in central and south Florida.  It is outside the scope of the regulation schedule study to model for water quality effects in the Caloosahatchee Estuary.
PURRE 12	There is no discussion of compliance with water quality standards  Glaringly absent from the DSEIS is any discussion of whether the Caloosahatchee River and Estuary,	The revised draft SEIS expands discussions on water quality (Section 5.9 and 6.14) and algal blooms (Section 5.2). Additionally, Section 6.21, cumulative effects, discusses other Federal, State and local initiatives related to water quality

	and associated waters, are currently meeting Florida water quality standards.	improvement in central and south Florida.
PURRE 13	There is no analysis of the effect of different alternatives on blue-green algae and red tide.  These algae are harmful to fish, marine organisms, wildlife, and humans. Blue-green algae may be toxic and has resulted in public health officials issuing orders prohibiting swimming in the areas of the Caloosahatchee where there is an algae bloom. Red tide in the Caloosahatchee has likely caused the deaths of many manatee, and endangered species.	The revised draft SEIS expands discussions on water quality (Section 5.9 and 6.14) and algal blooms (Section 5.2). Additionally, Section 6.21, cumulative effects, discusses other Federal, State and local initiatives related to water quality improvement in central and south Florida.
PURRE 14	There is no discussion of drinking water issues.  The Caloosahatchee River is a direct source of drinking water for Lee County residents and tourists. blue-green algaeproduce toxinsharmful to fish, wildlife and humans. These outbreaks have been linked to the nutrient-enriched releases from Lake Okeechobee.  In publicly held meetings, the Corps has stated that public health and safety overrides all other issues: if that is the case, we do not understand why the	A more thorough discussion on existing water quality conditions in the Caloosahatchee River is included in the revised draft SEIS. Refer to Section 5.9, 6.14 and 6.21.
PURRE 15	Corps has not evaluated this critical public health issue in the DSEIS. no discussion in the DSEIS of how the different alternatives might affect listed species and marine mammals in the Caloosahatchee Estuary, in particular the West Indian manatee, the Florida smalltooth sawfish, and various species of sea turtlesthe DSEIS only discusses manatee impacts in Lake Okeechobee itself, and not the Estuary.  The assertion in the DSEIS that there are no	The Corps disagrees with this comment. The SEIS does discuss the effects of the LORS on the smalltooth sawfish and the manatee. The Corps recognizes critical habitat for manatees in the Caloosahatchee River Estuary, and has coordinated with USFWS under Section 7 of the ESA.  Sea turtles would not be affected by the preferred alternative plan of the LORS.
PURRE 16	impacts to listed species clearly is wrong. portions of the Caloosahatchee, and not the Lake, have been designated as critical habitat for the manateehundreds of manatee in the Caloosahatchee and surrounding areas have died due to red tide, which is likely linked to the nutrient-enriched waters that are released from Lake Okeechobee down the Caloosahatchee River. manatees rely on seagrass  The DSEIS concedes that releases from Lake Okeechobee cause the mortality of seagrasses	The Corps recognizes critical habitat for manatees in the Caloosahatchee River Estuary, and has coordinated with USFWS under Section 7 of the ESA.
PURRE 17	The sawfish analysis is similarly flawed and inaccurate in its ultimate conclusion of no adverse impact. DSEIS state at p.101 "it would be more common for the smalltooth sawfish to be found along the coastal areas of the Caloosahatchee Estuary, or near the mouth of the Caloosahatchee River," both of which have seagrass communities	The Corps does not agree that the E&T species analysis is flawed and inaccurate. The Corps has coordinated with NMFS for the effect of LORS on the sawfish.

	Li i popro	
	that the DSEIS concedes will continue to be	
	destroyed by releases from Lake Okeechobee.	
	DODYS 1 1 1 1 1 D S 1	
	DSEIS conclusion that the Preferred	
	Alternative "may affect" but is "not likely to	
	adversely affect" the sawfish is simply incorrect in	
	light of all of the impacts the DSEIS identifies	
PURRE	There are five National Wildlife Refuges that	
18	depend on the Caloosahatchee River for water.	The Corps has expanded the discussion of the
	TALKET E 1' ALL' LIMITING E C	wildlife refuge in the revised SEIS.
	J.N. "Ding: Darling National Wildlife Refuge,	
	in addition to the Caloosahatchee National	
	Wildlife Refuge, Island Bay National Wildlife	
	Refuge, Matlacha Pass National Wildlife Refuge	
	and Pine Island National Wildlife Refuge.	
	the DCEIC contains checlutely no discussion of	
	the DSEIS contains absolutely no discussion of	
	how releases from Lake Okeechobee may impact	
PURRE	these Refuges.  NEPA regulations require that the Corps fully	Refer to expanded discussion of cumulative effects
19	disclose the cumulative impacts of its	(Section 6.21) in the revised SEIS.
	actionsit cannot be contested that the years of	(Seedon 0.21) in the revised BLIG.
1	high water releases from Lake Okeechobee have	
	caused significant damage to the Caloosahatchee	
	Estuary. The DSEIS repeatedly acknowledges this	
	point.	
	Poss	
	It therefore is critically important that the DSEIS	
	analyze what will be the cumulative effect of the	
	releases from Lake Okeechobee on the	
	Caloosahatchee Estuary.	
PURRE	The TSP assumes that the Lake is operated more	Correct. As explained in the 2006 SEIS, as well as
20	than one foot lower on average than the WSE (eg.	the revised draft SEIS, this particular phase of the
	17.25 vs 18.5). This means that approximately	LORSS will only take into consideration
	467,000 acre-feet of average annual storage will be	operational changes to the schedule. The next
	lost.	Phase of the LORS, Phase 4, will take into
	·	consideration additional storage capacity based on
	Even if the CERP contemplates alternative storage	the CERP.
	locations in future decades, there is no such	
	replacement storage contemplated for the coming	
	years. The DSEIS does not analyze these issues.	A C 11 1 2 200 C CTTG C
PURRE	the DSEIS indicates that there is no ongoing	As fully stated in the 2006 SEIS, the Corps is
21	consultation with the Fish and Wildlife Service	under consultation with the USFWS and the
	(FWS) regarding the manatee. The DSEIS	NMFS pursuant to the ESA.
	similarly indicates that there is no ongoing consultation with the National Marine Fisheries	
	Service (NMFS) regarding the smalltooth sawfish,	
	despite obvious impacts.	
	despite ouvious impacis.	
	Section 7 of the ESA unequivocally requires	
	consultation with fish and wildlife agencies	
	whenever an agency action such as the proposed	
	action is likely to adversely affect a listed species.	
PURRE	The Corps has taken the position that it is not	The proposed action is strictly of an operational
22	required to get a water quality certification from	nature, and does not involve any new discharge or
	the state under Section 401 under the Clean Water	construction activity. Furthermore, there are no
	Act (CWA).	structural components contained in the proposed
		action and no dredge and fill operations being
	However, we respectfully disagree and believe that	considered that would require water quality
	the Corps is required to obtain water quality	certification under the CWA.

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	certification from the State of Florida in	
	connection with the proposed action because there	
	will undoubtedly be various federal permits and	
	licenses that it seeks in order to implement the	
	proposed new regulation schedule, including	
	authorizations under the ESA and CWA.	
PURRE	The Corps also does not have a National Pollutant	Refer to response to PURRE 22.
23	Discharge Elimination System (NPDES) permit	
	under Section 402 of the CWA for the various	
	water control structures related to Lake	
	Okeechobee and the Caloosahatchee River. We	
	believe that those water control structures are	
	"point sources" subject to NPDES permitting	
	requirements. Lake Okeechobee and the	
	Caloosahatchee River are separate bodies of water	
	- the river historically never connected with the	
	lake. The Supreme Court's recent decision in	
	South Florida Water Management District v.	
	Miccosukee Tribe of Indians, 541 U.S. 95 (2004),	
	supports our interpretation that the Section 402	
	NPDES permitting requirements apply here. The	
	Corps ahs not complied with those permitting	
	requirements, and such failure to comply with	
	requirements of the CWA should be acknowledged	
	by the Corps in DSEIS and, ultimately, corrected.	
PURRE	Chapter 373 of the Florida Statues, specifically,	Issuance of consumptive use permits lies with the
24	Fla. Stat. §373.219, requires all "persons,"	State. In the case of the C&SF project, the state
24	including federal agencies, to obtain permits	agency responsible is the SFWMD. The State's
	before they make consumptive or other uses of	decision regarding appropriating water under the
	water. Releases from the Lake to the	consumptive use permitting system is not
		determined by the Corps. Refer to further
	Caloosahatchee River, especially releases for flood	discussion in revised SEIS Section 2.1.
	control purposes, are subject to these Florida water	discussion in levised 51315 Section 2.1.
	use permitting requirements because they make	
	water unavailable for other users. The Corps also	
	is subject to Florida permitting under the Lake	
	Okeechobee Protection Act, Fla. Stat. §373.4595,	
	as it is an owner and operator of key structures.	
	We have no information that the Corps has ever	
	applied for or obtained such permits. The DSEIS	
	also does not indicate whether the Corps is in	
	compliance with Florida permitting requirements.	TTI
PURRE	NEPA regulations generally require the Corps to	The preferred alternative improves the conditions
25	identify and discuss potential mitigation measures.	for Lake Okeechobee and the estuaries, while
	40 C.F.R. 1501.16(h). However, the DSEIS	continuing to ensure public health and safety, and
	contains no discussion whatsoever of measures	with minimal or no impact to the competing
	that could mitigate the adverse impacts of lake	project purposes. There are no adverse impacts
	releases on the Caloosahatchee Estuary. We	due to the proposed schedule that would require
	believe that adverse impacts could be mitigated in	mitigation measures.
	many ways, and the Corps should discuss such	
	mitigation measures.	
	St. Lucie River Initiative 09/20/06	
SLRI 1	The most obvious shortcoming of the proposed	The probability of dike failure does not factor in
	LORS is allowing Lake O levels (up to 17.25')	the ongoing dike repairs, monitoring, etc. For
	high enough to create a 10% probability of Dike	more information on dike conditions and repairs,
	failure. Both the Corps and SFWMD studies	refer to the HHD draft engineering analysis and
	indicate Dike failure has become more likely over	SEIS located at the Corps' website at:
	time due to repeated and excessively high Lake	http://www.saj.usace.army.mil/cco/HHD/Reports/
	levels experienced during the Run 25 and WSE	USE-DSEIS HHD 6Dec900.pdf
	schedules, and associated damages to the Dike. A	
	10% probability of failure is far too high to be an	
1	1 10,0 producting of farmer to tall too monitor to out the	I a second a

	acceptable risk of public safety.	
SLRI 2	Atlantic Multidecadal Oscillation significantly affects the relationship between rainfall and stormwater runoff in Florida. The most recent swith into the warm (wet) phase took place in 1994-95. Modeling Lake O schedules using the SFWMM model and 1965- 2000 period of record effectively averages six warm phase years with 30 cool (dry) phase years. This severely distorts the modeled LORS behavior versus what will actually occur under the most probable near-term climate conditions.	The SFWMM produces daily output for a 36-year period of record (POR): 1965-2000. It is recognized that additional data could be provided from an extended period of record. The 36-year period of record includes a wide range of climatologic and meteorologic conditions. All alternatives are evaluated for this common period of record and compared to the No Action Alternative.  The SFWMM is a regional-scale computer model that simulates the hydrology and the management of the water resources system from Lake Okeechobee to Florida Bay, and the SFWMM remains the best available tool for performing a comprehensive evaluation.  To provide additional information for the expected performance of the 2007 LORSS SEIS recommended plan for the 2001 through 2005
		period of record, LOOPS simulations were conducted by the SFWMD for the No Action Alternative and Alternative T3. A summary of the hydrologic output is provided in Appendix E.
SLRI 3	It is unacceptable that SFWMD prevents Lake O flows south. We realize the proposed schedule does not include new construction features, but significant southern flow is required to share the adversity.	STA-3/4 is one of six large treatment wetlands managed by the SFWMD as part of the Everglades Construction Project. Due to the treatment capacity of STA-3/4, a capacity constraint was assumed in the modeling of alternatives. Refer to revised SEIS Section 2.5 for further details.
SLRI 4	The revised Decision Tree Part 1 calls for Maximum Practicable Releases to WCAs under many common flood control conditions. However, SFWMD has recently restricted Lake O releases to WCAs to 63,000 acre feet a year (Appendix E) because all the water quality treatment capacity in the STAs is being used up, and then some, by EAA drainage. In reality SFWMD is allowing no Lake O water to go through the STAs, and has no current plans to build any STA capacity for Lake O. What is the point of having a decision tree in a regulatory schedule for an action SFWMD has prohibited?	Releases to WCA's will be conducted per flow chart of the Regulation Schedule (Part D). If expanded treatment capacity within the STAs occurs, the possibility of Lake Okeechobee discharges south may increase accordingly.
SLRI 5	New Decision Tree Part 3 is still too confining to enable prompt and appropriate action under unusual climatic conditions. We are assured climatic conditions will not be per the modeling used for this LORS, and Corps needs more flexibility to react as early as possible to reduce damages to the Dike, Lake and coastal estuaries.	Refer to Appendix A for revisions.
SLRI 6	Pulse releases, even level I, damage the St. Lucie Estuary when they are repeated in succession 500 cfs continuous from Canals C-44, 23, and 24 combined drops salinity in Middle Estuary to 15ppt. The South Fork drops to 4 ppt with 500 cfs from C-44 only. So we have to expect oysters cannot survive in the South Fork under any significant freshwater flow. However, the Middle	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.

	Estuary can support oysters at 500 cfs, and some	
	better than none. So we would propose continuous	
	Lake O releases of 500 cfs when Canals C-44, 23,	
	and 24 are not running, dropping Lake O releases	
	to zero when they are running above 500 cfs	
	collectively, and when they are running less than	
	500 cfs collectively, making up the difference with	
	Lake O discharges. This discharge rate would be	
	in effect at all times the lake is above 12' during	
	the wet season, but would be tapered off in the	
1	spring oyster and fish spawn to 200 cfs, then	
	gradually raised back to 500 cfs around June.	
	We recommend all other outlets be treated	
	similarly according to their tolerance for	
	freshwater stress, as the AMO wet cycle averages	
	about 1.5M acre-feet a year excess water in Lake	
	O, and Il the tidal outlets for the Lake suffer under	
	higher level regulatory discharges. We view our	
	proposal for low constant releases as "salinity	
	envelope: maintenance, and believe that a	
	relatively constant salinity gradient in estuaries	
	varying form lower in wet season to higher in dry	
	season is preferable to extreme variations caused	
	by Lake O regulatory releases, including pulses	
	sent east. However, we also believe each estuary	
	has its own unique characteristics and that local	
	knowledge is essential for fine tuning each in	
	terms of rate and pattern of freshwater releases.	
SLRI 7	The rates of discharge to tidewater in the LORS	Additional modeling conducted see improvements
SLKI /	should be more flexible, with provisions for	to TSP and Refer to Appendix A for revisions.
	coordinating with locals on how much water can	
	be released with minimal damage. The overall	
	schedule goal should be about 2000 cfs capacity	
	from all outlets, and all outlets, including south,	
OT DIO	should be in use as much of the time as possible.	Comment is noted.
SLRI 8	We want to be clear that we do not want nor need	Comment is noted.
	Lake O water in the St. Lucie Estuary. When the	
	IRL Plan is completed, the infrastructure to send	
	excess freshwater in the local basin via 10 mile	
	Creek to the North Fork, will exist, and this will be	
	far more desirable than the current South Fork C-	
	44 release pattern, as 10 mile Creek was	
1	11 11 11 Construction Cartesian Familia Ct	1
1	historically the major freshwater source for the St.	
	Lucie.	
	Lucie.	
	Lucie.  We appreciate the limits the Corps must operate	
	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better	
	Lucie.  We appreciate the limits the Corps must operate	
	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are	
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SCCF 1	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.  Sanibel-Captiva Conservation Foundation Erick Lindbald, Executive Director, 10/16/06	Comment is noted.
SCCF 1	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.  Sanibel-Captiva Conservation Foundation Erick Lindbald, Executive Director, 10/16/06  The one solution that is agreed upon by	Comment is noted.
SCCF 1	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.  Sanibel-Captiva Conservation Foundation Erick Lindbald, Executive Director, 10/16/06  The one solution that is agreed upon by stakeholders is additional storage/flow way	Comment is noted.
SCCF 1	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.  Sanibel-Captiva Conservation Foundation Erick Lindbald, Executive Director, 10/16/06  The one solution that is agreed upon by stakeholders is additional storage/flow way capacity. Unfortunately, the scope of this project	Comment is noted.
SCCF 1	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.  Sanibel-Captiva Conservation Foundation Erick Lindbald, Executive Director, 10/16/06  The one solution that is agreed upon by stakeholders is additional storage/flow way capacity. Unfortunately, the scope of this project specifically excludes any discussion of structural	Comment is noted.
SCCF 1	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.  Sanibel-Captiva Conservation Foundation Erick Lindbald, Executive Director, 10/16/06  The one solution that is agreed upon by stakeholders is additional storage/flow way capacity. Unfortunately, the scope of this project specifically excludes any discussion of structural changes to the footprint of the Lake for additional	Comment is noted.
SCCF 1	Lucie.  We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.  Sanibel-Captiva Conservation Foundation Erick Lindbald, Executive Director, 10/16/06  The one solution that is agreed upon by stakeholders is additional storage/flow way capacity. Unfortunately, the scope of this project specifically excludes any discussion of structural	Comment is noted.

	structural changes in the system that are needed in order to provide a long term solutions for the entire system.	
SCCF 2	Another aspect of the SEIS presentation involved the assessment of protected species. The list presented omitted two very critical species that are endemic to the Caloosahatchee; the Manatee and Smalltooth sawfish, <i>Pristis pectinata</i> . It is important that the Environmental Impact Statement be inclusive of all threatened and endangered species that will be impacted by a change in the regulation schedule.	The Corps disagrees. The effects to the manatee and smalltooth sawfish are discussed in the 2006 SEIS, and consultation under the ESA is underway with NMFS and USFWS.
SCCF 3	Actively evaluate lake expansion options to enlarge and better replicate the historic footprint of Lake Okeechobee to accommodate desirable water levels and flows. Re-evaluate options to reflood the historic basin of Lake Hicpochee to its historic limits for water storage and treatment of water flowing west into the Caloosahatchee.	As stated in Section 1.5 of the revised DSEIS, the current LORSS is operational only changes. When Band 1 CERP projects come online, a new LORSS will factor in these structural features of the system.
	Seagull Estates Property Owners' Association,	
SEPO 1	Inc.; John English, President; 09/21/06Corps' proposed plan needs to include provision and allowances for use of the c. 450,000 acre-feet of water storage already owned or leased by the South Florida Water Management District. This storage capacity needs to be connected to the Lake, and used in management of its level and water releases. The Corps could purchase or lease this storage capacity from the District. The regulation schedule should be amended to take this fact into effect	Refer to revised SEIS Section 4.5.1 for discussion of storage of lake water on public/private lands.
	Southwest Florida Watershed Council, John	
SWFWC 1	Cassani, Chairman 09/11/06  The Tentatively Selected Plan (TSP) 1bs-2m may provide for somewhat improved conditions for Lake Okeechobee but it fails to substantially improve conditions for the Caloosahatchee Estuary. In fact under rainfall conditions similar to recent years, it would create the need for additional excessive flow conditions compared to the period of record.	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.
	Even with the addition of the C-43 Reservoir Accelerate Project, damaging conditions would continue to occur at least 25% of the time with average rainfall.  Our recommendation is for the ACOE and SFWMD to develop additional flow and storage south of Lake Okeechobee similar to historic flow patterns that would result in enough flexibility to	
	the Lake Regulations Schedule resulting in meaningful ecological restoration of Lake Okeechobee and the Caloosahatchee Estuary.	
	Sugar Cane Growers Cooperative of Florida, George Wedgworth, President & CEO 09/18/06	
SCGC 1	For farmers, the overriding concern with the	A regulatory permit has been issued for the

		C 1
	proposed lake regulation schedule is water supply.	temporary forward pumps.
	On August first of this year the lake stage was below 12 feet and there was talk of declaring a	
	water shortage. This year the lake was operated in	
	a manner very similar to the 2000-01 managed	
	recessions that wrought over \$50 million worth of	
	losses to sugar growers alone.	
	The proposed schedule relies on the use of	
	temporary forward pumps, provided by the South Florida Water Management District, to get water	
	out of the lake during water short years. What	
	happens to the Lake schedule if for some reason	
	the new pumps are not built or allowed to be	
	operated? Since every alternative that has been	
	evaluated assumes they are in place, a final answer	
	on the forward pumps is necessary prior to	
2000	adoption of this schedule.	Additional modeling and destad and immediate
SCGC 2	The non-typical operations section contained in the draft water control plan is very confusing and	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.
	makes it impossible for us to predict what you are	to 101 and reter to appendix A for revisions.
	actually going to do. This section should be	
	deleted.	
	Young Van Assenderp, PA, Attorneys at Law,	
	Philip S. Parsons for the Sugar Cane League, Inc. 10/11/06	
	10/11/00	
<u></u>	Individual/Private Citizens or Businesses	
	Century 21, J.B. Novelli, President 09/12/06	
Century	The impact that red tide and poor water quality has	The revised draft SEIS expands discussions on
1	on our success cannot be ignored.	water quality (Section 5.9 and 6.14) and algal
		blooms (Section 5.2). Additionally, Section 6.21,
		cumulative effects, discusses other Federal, State and local initiatives related to water quality
		improvement in central and south Florida.
Century	Many concerns have been raised about the	Salinity monitoring is outside the scope of the
2	voluminous release of fresh water into the gulf.	LORSS. However, salinity monitoring data is
	Has anyone monitored the salinity of the Gulf?	collected in the Caloosahatchee Estuary by the
	Are there statistics we can compare with, to ensure	SFWMD. The data is considered in weekly
	that we have not reduced the specific gravity of the	operations decision making for releases to the
	gulf?	estuary.
	Cobham Defense Electronic Systems, David	Comments noted.
	Gaggin, CEO 09/24/06	, , , , , , , , , , , , , , , , , , ,
	Jensen's Resorts, Dave Jensen 10/11/06	Comments noted.
	Marathon and Lower Keys Association of	Comments noted.
	Realtors, Cheryl Moses, President 08/25/06	
	Sanibel Arms West Condominium 09/05/06	Comments noted.
	RC Hatton Farms, Roger Hatton, President	Comments noted.
	09/07/06	
	Traverso & Associates, Inc, Kit Traverso	Comments noted.
	09/26/06	

	Achwartz, Julie 09/14/06	Comments noted.
	Adair, Charles V and Constance D 09/17/06	Comments noted.
	Adams Domes 00/21/06	Comments noted.
	Adams, Donna 09/21/06	Comments noted.
	Baldwin, Michael J, PhD and Baldwin, Theresa T, EdD (08/15/06)	Comments noted.
	Ball, Armand and Beverly 09/13/06	Comments noted.
	Baratta, George and Helen 09/25/06	Comments noted.
	Beck, Wayne (not dated)	Comments noted.
	Berg, Michael (09/17/06)	Comments noted.
	Blackhurst, Larry 09/26/06	Comments noted.
	Boyce, Barbara and Jack 09/21/06	Comments noted.
	Boyd, Julia (not dated)	Comments noted.
	Brookes, Molly 10/02/06	Comments noted.
	Carter, Susan (not dated)	Comments noted.
	Cassavell, Barbara 09/14/06	Comments noted.
····	Copeland, William 09/27/06	Comments noted.
	DeBenedictis, Thomas, MD 09/24/06	Comments noted.
	Devaney, Delores 09/29/06	Comments noted.
	DeWalt, David and JeanAnn 09/24/06	Comments noted.
	Donoghue, Winifred 09/25/06	Comments noted.
	Doran, Arlene 07/13/06	Comments noted.
	Dunham, Allen Cougar 09/23/06	Comments noted.
	Eichenlaub, John E, MD 09/14/06	Comments noted.
	Eidsvold, Robert H 09/18/06	Comments noted.
	Eyrich, Tom (not dated)	Comments noted.
	Faegre, Mary 09/25/06	Comments noted.
	Fleck, David & Janet 09/20/06	Comments noted.
	Frankwich, Vernon T. 09/10/06	Comments noted.
	Gale, Walter and Mary 09/06/06	Comments noted.
	Gardner, Garrett 10/02/06	Comments noted.

Gornio	ck, Linda (note dated)	Comments noted.
Griffit	th, Jacqueline 09/25/06	Comments noted.
Griffit	th, James 09/24/06	Comments noted.
Gurne	y, David and Nancy 09/13/06	Comments noted.
Hallid	ay, Janet W 10/11/06	Comments noted.
Hanse	n, Richard and Barbara 08/28/06	Comments noted.
Heuer	, Molly 09/29/06	Comments noted.
Hump	hrey, Robin C 10/13/06	Comments noted.
Hupfe	ldt, Margaret Kane 09/21/06	Comments noted.
Jamiso	on, Andrew and June 10/09/06	Comments noted.
Jenser	n, John (not dated)	Comments noted.
Jerom	in, Mike and Alice 09/21/06	Comments noted.
Kirch	ner, Chance (not dated)	Comments noted.
Kirch	ner, Matthew and Terri 09/20/06	Comments noted.
Lane,	Charles and Joan 09/21/06	Comments noted.
	ca, Nancy; LaDuec, Pat; LaDuce, P; Leaty, 09/03/06	Comments noted.
Lema	n, Arthur 09/15/06	Comments noted.
Lieble	ein, Robert and Margaret 09/05/06	Comments noted.
Lowe	, Douglas and Jean 09/05/06	Comments noted.
McCa	rney, Steve 09/06/06	Comments noted.
McCa	orthy, Timothy S 09/09/06	Comments noted.
Marti	n, Val 07/14/06	Comments noted.
Masco	enik, Ed and Dottie (not dated)	Comments noted.
Modr	all, Donald F 09/12/06	Comments noted.
Monr	oy, Carlos and Carmen 09/28/06	Comments noted.
Mont	ross, Cliff 10/03/06	Comments noted.
Mona	han, Ken 07/30/06	Comments noted.
Mona	han, Pamela (not dated)	Comments noted.
Mora	n, Robyn (not dated)	Comments noted.

	Mullins, Margaret P 10/05/06	Comments noted.
	Norton, Robert N; 07/26/06	Comments noted.
	Nye, Fredrick and Rosemarie 09/11/06	Comments noted.
	Parmelee, David W (not dated)	Comments noted.
	Pati, Gopal C., Dr.; 10/04/06	Comments noted.
	Paxton, Robert 09/25/06	
	Would there be any problem with using the Miami Canal, for Lake Okeechobee's water storage. By digging deeper and much wider, deepening on volume needed, maybe ½ to ¾ mile wide. Berm on sides could be any height for storage needed. The Canal Storage continues thru the agricultural area. At that point there would be Lateral Canals built east and west for as many miles as possible. These canals would have a dike on the north side, none on the south side to allow flow in the glades and river of grass. At the far south end of the reservoir, a canal could go straight South under I-75 to the glades. All inlets and outlets to the reservoir would have control gates. A reservoir with water flowing the full length, should not get stagnant. The berms should not leak, if the material is compacted good, with no vegetation or muck. If years form now there is a problem, steel pilings could be put in the center of the dikes. For that reason no rock should be put in the center lines of dikes. Farming could pump into the reservoir in wet times and pump or siphon out for irrigation, but no open cuts. If the Miami Canal could not be used for a reservoir, one could be built parallel to the canal on the west side.	The current study is only making adjustments to the regulation schedule. Canal deepening is not within the scope of the current study.
	Payne, Janis A 09/18/06	Comments noted.
	Pyle, Nathalie 10/12/06	Comments noted.
	Ragatz, Thomas G and Karen C, 10/05/06	
TR 1	The Corps' model was updated to go through the 2000, which means it is not up to date. To bring it up to date, data through 2005 needs to be added. That will confirm the change from one cycle to the other has happened, and it is to be taken into account by change in the "tentatively selected plan."	The SFWMM produces daily output for a 36-year period of record (POR): 1965-2000. Efforts are ongoing by the SFWMD to compile the climatological data needed to extend the SFWMM period of record through 2005. The additional information, through desirable, will not be available for the 2007 LORSS SEIS study.
TR 2	Further, the Corps' proposed plan needs to include provision and allowances for use of the c. 450,000 acre-feet of water storage already owned or leased by South Florida Water Management District.  This storage capacity needs to be connected to the Lake and used in management of its level and water releases.	Additional modeling conducted see improvements to TSP and Refer to Appendix A for revisions.
	Redmond, Kay 09/09/06	Comments noted.
	Roach, Charles G Jr (not dated)	Comments noted.

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	Rosen, Spring 09/23/06	Comments noted.
	Ruhe, Donna (not dated)	Comments noted.
	Ruhe, Lutz 08/20/06 and 09/11/06	Comments noted.
	Schwartz, Donald 08/15/06	
DS 1	You did not use 2001-2005 data in the formulation of new plan.	The SFWMM produces daily output for a 36-year period of record (POR): 1965-2000. It is recognized that additional data could be provided from an extended period of record. The 36-year period of record includes a wide range of climatologic and meteorologic conditions. All alternatives are evaluated for this common period of record and compared to the No Action Alternative.
		The SFWMM is a regional-scale computer model that simulates the hydrology and the management of the water resources system from Lake Okeechobee to Florida Bay, and the SFWMM remains the best available tool for performing a comprehensive evaluation.
		To provide additional information for the expected performance of the 2007 LORSS SEIS recommended plan for the 2001 through 2005 period of record, LOOPS simulations were conducted by the SFWMD for the No Action Alternative and Alternative T3. A summary of the hydrologic output is provided in Appendix E.
	Schwartz, Donald P 09/19/06	Comments noted.
	Sevacko, Carol 10/02/06	Comments noted.
	Sprotte, Ann Marie 09/15/06	Comments noted.
		Comments noted
	Staley, Deborah 10/13/06	Comments noted.
	Stipek, Linda 09/13/06	Comments noted.
	Stocks, Diane 10/04/06	Comments noted.
	Strueck, Joan 08/02/06 and 08/03/06	Comments noted.
	Tobin, Barbara 09/18/06	Comments noted.
	Vita, Frank K and Lise K. 09/21/06	Comments noted.
	Weise, R. Eric, PhD 10/21/06	Comments noted.
	Weiss, Dick and Gail 09/04/06	Comments noted.
	Wilson, Cathy 10/130/06	Comments noted.
	Sandalfoot Board of Directors	Comments noted.
1	Bunnell, Rodger	Comments noted.

Berger, David M, MD	
Sending greater quantities of water east via St	The LORS attempts to balance competing
Lucie waterway would decrease amount sent via	objectives. The preferred alternative indicates
the Caloosahatchee River into our estuary. If	improvements for the estuaries, while attempting
"shared adversity" is your solution – then the St	to maintain the balance to competing objectives.
Lucie waterway needs to take a much greater	
share.	
Cain, Christopher and Betsy	Comments noted.
Chance, Steven	Comments noted.
Fisher, Robert, DC and Carolyn	Comments noted.
Timer, resert, so and carery	
Friedlund, John and Debbie	Comments noted.
1 Hedrand, John and Decore	Commons notes.
Getford, June S	Comments noted.
Octiora, June 5	Comments noted.
V de Den and Yie	Comments noted.
Kennedy, Dan and Liz	Collinellis lioted.
Kern, RA	Comments noted.
McLendon, IC, MD	Comments noted.
Patterson, Lynn	Comments noted.
Ravieri, Rick and Jane	Comments noted.
Schuller, Hazel and Edward	Comments noted.
Ventura, Marcel	Comments noted.
1 0110134, 1122001	
	Comments noted.
Wright	Comments noted.
Sadler, Chester	Comments noted.
POST CARDS (individual names below)	
– All postcards have the same four comments:	Comments noted.
-Recognize the damage already done to SWFL by	
your previous releases	
-Prevent water releases that exceed your own	
biologist's recommendations	
-Base decisions on current wet cycle data-not	
outdated data	
-More equitable plan for discharges in multiple	
directions, not forcing the Caloosahatchee River to	
take the biggest hit	
Adams, Jane	
Allan, Samantha	
Anderson, Ted	
Arnowitz, Moni	****
Badenoch, Bruce	
Bailey, Sam	
Baron, John and Francine	
Beck, Helen and Stanley	
Beck, Susan T	
Beardsley, Barbara	
Black, Charlene	

	Black, William and Nancy	
	Bloomfield, D	
	Boyle, Marguerite	
	Blythe, Wayne (Mr and Mrs)	
	Brand, Harold, (Mr and Mrs)	
<del></del>	Bresslau, Anne	
	Broeksen, Pam and Fred	
ļ	Brown, Don	
	Brown, JoAnn and Frank	
	Burns, Claudia	
	Burkholder, James & Gertrude	
	Campbell, JC	
	Campbell, Kathleen	
	Capps, Lorraine & Doug	
	Carter, Anne	
	Carter, Susan	
	Castaldo, Laura and John	
	Castellitto, Donald (Mr and Mrs)	
	Chanan, Jane	
	Cohn, Vance	
	Chicucmonte, Vince	
	Corcoran, Peter Blaze, Dr	
	Corhe, Marle, DDS	
	Cassell, Susan	
	Cramer, Arthur and Mary	
	Cuscadin, Kara	
	Darmody, John	
	Davies, Holly	
	Davis, Cheryl	
	Davis, Robert and Marion	
	DeGennaro, Catherine	
	DeGraw, Robert and Deborah	
	DeGeorge, Joseph	
	Deming, Frederick Mrs, and Richard	
	Dugan, Thomas M, MD	
	Durholz, Gustav	
	Endinburg, Joel and Linda	
-	Echart, Steve	
<del>-</del>	Fallen, Michael J Dr, and Carole Ann	
<del></del>	Farmum, Charles, Jr	
	Fields, Dr and Mrs	
	The state of the s	
	Fields, Leslie	
	Fletcher, Suzanne	
ļ	Ford, Darwin	
	Ford, John S	
	Ford, Mildred	
	Fortney, Don and Sheila	
	Fortney, Tim	
	Franks, M & C	
	Friedersdorf, Max and Priscilla	
	Garmager, Tim	
	Geater, EJ	
	Gleitz, Mona and Harry	
	Glick, Kimberly	
-	Gordon, Barry and Nancy	
	Gary, Linda	
	Guilbault, Dan	
-		
L	Hardy, Doris and Davey	

	Haggett, David	
	Harig, Bette, MD	
	Hart, Charles	
	Healy, Saundra	
	Helfers, Marilyn	
	Helo, Al	
	Hendrix, Dennis Family	
	Hendrix, Dennis	
	Hooper, Linda	
	Hudson, Vicki and Morscheck, Bill	
	Irwin, Diane R	
	Jones, William W	
	Kaplan, Alvin Dr, and Miriam	
	Kelley, D	
	Kelley, Kenneth	
	Kennedy, Dan and Liz	
	Kelefer, Phyllis and Charles	
	King, John J	
	Knight, Tim R	
	Kish, Margaret	
	Kohler, Lois	
	Kortegast, Graham and Bloch, Camila	
	Kzwanih, Robin and McAllister, Jack	
	Laborde, James	
	LaGorce, John and Deborah	
	Lagan, Thomas (Mr and Mrs)	
	Lee, Margaret	
	Lee, Margaret  Lehr, Mike and Nannette	
	Liljequist, Bonnie and Jon	
	Lister, Charles	
	Linstrom, Robert and Mary	
<u></u>	Lynch, Renee	
	McBeath, Bill	
	McCarney, Steve	
	McHale, James T, Jr	
	McNeal, Janice	
	Martorelli, Marjorie	
	Martorelli, Ray	
	Martorelli, Roni	
	Maybee, Richard.	
	Mazzarella, Ralph and Grace	
	Merz, Stu and Joan	
	Meyers, Kevin	
	Mehlig, Dana	
	Meyers, Jeanine and family	
	Marks, Phillip Dr, and Susan	
	Middendorf, PA	
	Miller, Family	
	Moeder, Daniel C	
	Molnar, Patrcia	
	Montclare, Mrs J	
1	Morse, John R	
		1
	Movizzo, Frank	
	Movizzo, Frank Muench, Jodi	
	Movizzo, Frank Muench, Jodi Nelson, Paul E and Charlotte	
	Movizzo, Frank Muench, Jodi Nelson, Paul E and Charlotte Nichols, Marlene	
	Movizzo, Frank Muench, Jodi Nelson, Paul E and Charlotte	

	D 1 11 121	
	Pademer, Harvey and Nancy	
	Priller, Michael	
	Pryzant, Hertzel N	
	Radigan, Virrinne and Robert	
	Reed, Edwin Mrs	
	Reese, Janie and Charlie	
	Reece, RE	
	Reece, Richard E and JoAnn	
	Reece, Ruthie JM	
	Richards, Karen	
	Rose, Paul and Liliana	
	Rosoff, J	
	Rowland, George	
	Ruhe, Lutz	
	St Cyr, Joseph and Patricia	
	Saul, Seppb	
	Savage, Paul and Carmella	
	Sawin, Pat and Earl	
	Sawyer, Dorothy	
	Schneider, Richard and Sheree	
	See, Eleanor	
	Schwab, Warren	
	Shepic, Rich and Janet	
-	Sieber, Ed and June	
	Shipley, Lucia	
	Shuff, Jeff	
	Soobitsky, Joel Dr and Cassaundra	
	Spencer, Eugene and Evelyn	
	Spencer, John	
-	Spiers, Beverly	
	Springford, Alan and Julie	
	Steele, Patricia	
-	Stegman, Mary	
	Stephenson, E	
	Stern, Jerry and Lynne	
	Stinsman, LeRoy and Patricia Heiland	
	Stutsman, Marc	
	Talbott, Ann	
	Tarbott, Ann Tarbert, Thomas and Renee	
	Tate, Dewey and Brenda	
-	Taylor, Leslie	
	Thompson, Berdenna	
	Thompson, Lori	
	Veenschoten, Muriel and John	
	Verdon, S& R	
	Volimer, Mary	
	Uhler, Linda and Tom	
<u> </u>	Wallace, Dorothy	
	Weiler, Janette	
	Welheln, Thomas and Linda	
	Weiler, Tony and Anna	
	Whall, JM	
	Wheeler, Linda S	
	Williams, Florence and Kirk	
	Winkler, Egon and Waltraud	
	Whitney, Clotilde V	
	Wilson, John R	
	Wood, Cardeyn	

#### LORRS Comments and Responses

Yarneall, Anne Gates	
Yetsko, Donna and Steve	
Zerillo, Maureen and Joseph	
Zobuis, Walter B	

# Public/Agency Comment Letters From the August 2006 Draft Supplemental Environmental Impact Statement



REPLY TO ATTENTION OF Planning Division Environmental Branch

AUG 1 0 2006

#### TO WHOM IT MAY CONCERN:

Pursuant to the National Environmental Policy Act and U.S. Army Corps of Engineers Regulation (33 CFR 230.11), this letter constitutes the Notice of Availability of the draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule.

A copy of the draft SEIS is available for viewing on the U.S. Army Corps of Engineers environmental webpage under Hendry, Glades, Lee, Martin, Palm Beach or Okeechobee Counties, "Lake Okeechobee Regulation Schedule", draft SEIS at <a href="http://planning.saj.usace.army.mil/envdocs/envdocsb.htm">http://planning.saj.usace.army.mil/envdocs/envdocsb.htm</a>. Additionally, a copy of the draft SEIS is available for viewing at the following libraries:

Fort Myers-Lee County Public Library 2050 Central Ave. Fort Myers, Florida 33901 Phone: 239-479-4635

Okeechobee County Public Library 206 S.W. 16th Street Okeechobee, Florida 34974 Phone: 863-763-3536

Palm Beach County Library 3650 Summit Blvd. West Palm Beach, Florida 33406

Phone: 561-233-2600

Clewiston Public Library 120 W. Osceola Ave. Clewiston, Florida 33440 Phone: 863-983-1493

Martin County Blake Library 2351 S.E. Monterey Rd. Stuart, Florida 34996 Phone: 772-288-5702

Comments or questions concerning the draft SEIS can be directed to Ms. Yvonne Haberer, Planning Division, Environmental Branch, at the letterhead address, or telephone 904-232-1701, or fax 904-232-3442. In addition, comments on the draft SEIS can be provided at the following email address: **LORSSComments@saj02.usace.army.mil**. All comments must be received within 45 days from the date on which the notice of availability appears in the Federal Register, which is expected to be on August 18, 2006.

Sincerely,

Stuart J. Appel aum Chief, Planning Division



Planning Division Environmental Branch

AUG 1 0 2006

#### TO WHOM IT MAY CONCERN:

Pursuant to the National Environmental Policy Act, enclosed for your review and comment is a copy of the draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule, Lake Okeechobee, Florida.

Any comments you may have on the draft SEIS must be submitted in writing to the letterhead address or the following email address: **LORSSComments@saj02.usace.army.mil**. All comments must be received within 45 days from the date on which the notice of availability appears in the Federal Register, which is expected to be on August 18, 2006. If you know others who may wish to comment on this draft SEIS, please advise them of this request for public comments. Any questions concerning the draft SEIS should be directed to Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

Stuart J. Appelbaum

Chief, Planning Division

Enclosure



Planning Division Environmental Branch

AUG 1 0 2006

Mr. David Bernhart Assistant Regional Administrator, Protected Resources National Marine Fisheries Service 263 13<sup>th</sup> Avenue South St. Petersburg, Florida 33701

Dear Mr. Bernhart:

Pursuant to the National Environmental Policy Act (NEPA), enclosed for your review and comment is a copy of the draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule, Lake Okeechobee, Florida. The draft SEIS also constitutes our Biological Assessment as required by the Endangered Species Act (ESA) of 1973, as amended.

The U.S. Army Corps of Engineers has determined that implementation of the preferred alternative regulation schedule documented in the draft SEIS may affect, but will not likely adversely affect, Johnson's seagrass (*Halophila johnsonii*) or the smalltooth sawfish (*Pristis pectinata*).

We request your concurrence with our determination of effects pursuant to the ESA. We also request comments pursuant to NEPA within 45 days from the date on which the notice of availability appears in the Federal Register, which is expected to be on August 18, 2006. If you have any questions or need further information, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

Stuart J. Appelbaum Chief, Planning Division

Enclosure



REPLY TO ATTENTION OF

Planning Division Environmental Branch

AUG 1 0 2006

Mr. Miles Croom Assistant Regional Administrator Habitat Conservation Division National Marine Fisheries Service 263 13<sup>th</sup> Avenue South St. Petersburg, Florida 33701

Dear Mr. Croom:

Pursuant to the National Environmental Policy Act (NEPA), enclosed for your review and comment is a copy of the draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule, Lake Okeechobee, Florida. The draft SEIS also constitutes our Essential Fish Habitat (EFH) Assessment as required by the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). With this letter, we are initiating EFH consultation with your agency.

The U.S. Army Corps of Engineers has determined the proposed action will not adversely affect essential fish habitat or other marine resources.

We request your comments pursuant to NEPA and MSFCMA within 45 days from the date on which the notice of availability appears in the Federal Register, which is expected to be on August 18, 2006. If you have any questions or need further information, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

Stuart J. Appel baum Chief, Planning Division

**Enclosure** 

#### Copies Furnished:

- Mr. Rickey N. Ruebsamen, National Marine Fisheries Service, 3500 Delwood Beach Road, Panama City, Florida 32408-7499
- Mr. Pace Wilber, National Marine Fisheries Service, 219 Fort Johnson Road, Charleston, South Carolina 29412-9110
- Ms. Audra Livergood, National Marine Fisheries Service, 11420 North Kendall Drive, Suite 103, Miami, Florida 33176



ATTENTION OF

Planning Division **Environmental Branch** 

AUG 1 0 2006

Ms. Lauren P. Milligan Florida Department of Environmental Protection State Clearinghouse 3900 Commonwealth Boulevard, MS 47 Tallahassee, Florida 32399-3000

Dear Ms. Milligan:

Pursuant to the National Environmental Policy Act, enclosed for State agency review and comment are 16 copies of the draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule, Lake Okeechobee, Florida.

Any comments you may have must be submitted in writing to the letterhead address within 45 days from the date on which the notice of availability appears in the Federal Register, which is expected to be on August 18, 2006. Any questions concerning the draft SEIS should be directed to Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

Stuart J. Appelbaum Chief, Planning Division

**Enclosures** 



#### **DEPARTMENT OF THE ARMY**

JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

SEP 8 2006

REPLY TO

Programs and Project Management Division North & Central Florida Management Branch

Mr. Billy Cypress Chairman, Miccosukee Tribe of Indians of Florida Post Office Box 440021 Miami, Florida 33144

Dear Chairman Cypress:

I am writing on behalf of the U.S. Army Corps of Engineers (Corps), Jacksonville District who would like to request a government-to-government consultation with the Miccosukee Tribe of Indians of Florida, on the Draft Supplemental Environmental Impact Statement (SEIS), Lake Okeechobee Regulation Schedule Study dated August 2006. The Jacksonville District is seeking to consult with the Miccosukee Tribe in accordance with the U.S. Army Corps of Engineers Tribal Policy Principles. We would like to meet with you or your representatives to discuss the Miccosukee Tribe's issues and provide the Tribe with the opportunity to provide meaningful input into the development of the final version of this document.

The purpose of the SEIS is to address operational changes to the current Water Control plan for the period of 2007-2010. These operational changes are necessary to ensure public health and safety as it pertains to the relationship between the regulation schedule and the Herbert Hoover Dike levee system that surrounds the lake and to address the continued deterioration of the Lake Okeechobee littoral zone and both the Caloosahatchee and the St. Lucie estuaries. The current regulation schedule, Water Supply and Environment, limits some releases when water levels are high, contributing to poor ecological conditions within the lake, and can potentially result in undesirable high volume releases to the estuaries. There is also the need to ensure public health and safety as it pertains to the relationship between the regulation schedule and the Herbert Hoover Dike levee system that surrounds the lake.

We have enclosed one copy of the document for your review. Please contact myself or Mr. Pete Milam at (904) 232-3432, to discuss a time and place for the meeting. We look forward to working with the Miccosukee Tribe of Indians of Florida on this important matter.

Sincerely.

Paul L.Grosskruger Colonel, U.S. Army District Commander

#### Enclosure

Copies Furnished:

Dexter Lehtinen, General Counsel, Lehtinen, Vargas and Reidi, 7700 North Kendall Drive No. 303, Miami, Florida 33156 Dionne Carroll, In House General Counsel, Post Office Box 440021, Miami, Florida 33144



#### DEPARTMENT OF THE ARMY

#### JACKSONVILLE DISTRICT CORPS OF ENGINEERS P.O. BOX 4970

JACKSONVILLE, FLORIDA 32232-0019

SFP

8 2006

O ON OF

Programs and Project Management Division North & Central Florida Management Branch

Mr. Mitchell Cypress Chairman, Seminole Tribe of Florida 6300 Stirling Road Hollywood, Florida 33024

Dear Chairman Cypress:

I am writing on behalf of the U.S. Army Corps of Engineers (Corps), Jacksonville District to request government-to-government consultation with the Seminole Tribe of Florida on the Draft Supplemental Environmental Impact Statement (SEIS), Lake Okeechobee Regulation Schedule Study dated August 2006. The Corps is seeking to consult with the Seminole Tribe in accordance with the U.S. Army Corps of Engineers Tribal Policy Principles. We would like to meet with you or your representatives to discuss the Seminole Tribe's issues and provide the Tribe with the opportunity to provide meaningful input into the development of the final version of this document.

The purpose of the SEIS is to address operational changes to the current Water Control plan for the period of 2007-2010. These operational changes are necessary to ensure public health and safety as it pertains to the relationship between the regulation schedule and the Herbert Hoover Dike levee system that surrounds the lake and to address the continued deterioration of the Lake Okeechobee littoral zone and both the Caloosahatchee and the St. Lucie estuaries. The current regulation schedule, Water Supply and Environment, limits some releases when water levels are high, contributing to poor ecological conditions within the lake, and can potentially result in undesirable high volume releases to the estuaries. There is also the need to ensure public health and safety as it pertains to the relationship between the regulation schedule and the Herbert Hoover Dike levee system that surrounds the lake.

We have enclosed one copy of the document for your review. Please contact myself or Mr. Pete Milam at (904) 232-3432 to discuss a time and place for the meeting. We look forward to working with the Seminole Tribe of Florida on this important matter.

\_\_\_\_\_\_

Sincerely

Paul L. Grosskruger Colonel, U.S. Army District Commander

#### Enclosure

#### Copies Furnished:

- Mr. Jim Shore, General Counsel, Seminole Tribe of Florida, 6300 Stirling Road, Hollywood, Florida 33024
- Mr. Craig Tepper, Director, Water Resources Department, 6300 Stirling Road, Hollywood, Florida 33024



Planning Division Environmental Branch 95 DFC 2000

Mr. Paul Souza Field Supervisor U.S. Fish and Wildlife Service 1339 20<sup>th</sup> Street Vero Beach, Florida 32960-3559

Dear Mr. Souza:

This letter is in reference to the Lake Okeechobee Regulation Schedule Study (LORSS), and our formal consultation under the provisions of section 7 of the Endangered Species Act of 1973, as amended. The assigned Service Section 7 Code is 41420-2006-0072. The consultation concerns the possible effects of the proposed revision to the Water Supply/Environment (WSE) water regulation schedule for Lake Okeechobee on the Everglade snail kite (Rostrhamus sociabilis plumbeus), wood stork (Mycteria ameriana), West Indian manatee (Trichechus manatus), bald eagle (Haliaeetus leucocephalus), eastern indigo snake (Drymarchon corais couperi), Okeechobee gourd (Cucurbita okeechobeensis), and Cape Sable seaside sparrow (Ammodramus maritimus mirabilis).

The U.S. Army Corps of Engineers (Corps) initiated formal consultation with the U.S. Fish and Wildlife Service (Service) by letter dated June 30, 2006, for the alternative regulation schedule referred to as 1bS2-m. The Corps would like to inform you of changes to the proposed alternative regulation schedule originally coordinated with your office. Based on consideration of public and agency comments, modifications to the preferred alternative were developed in an effort to demonstrate potential improvements to the Caloosahatchee Estuary. This effort required additional modeling and analysis of the model output, which was used to re-evaluate possible effects to system resources, including endangered and threatened species. Your staff has been actively involved as Project Delivery Team members in the evaluation of the latest alternative modifications, and they have provided valuable input towards the attempt to improve its performance. Through an iteration of modifications, the new proposed alternative schedule was developed, and is referred to as alternative T3. The enclosed information highlights the alternative changes and ecological differences.

By letter dated July 21, 2006, the Service concurred with the Corps' determination that alternative 1bS2-m would have "no effect" on the bald eagle, eastern indigo snake, West Indian manatee, and the Cape Sable seaside sparrow, or result in destruction or adverse modification of designated critical habitat for the manatee. The Service also concurred that the project "may affect" the Everglade snail kite, wood stork, and Okeechobee gourd, and will include these three species in the Biological Opinion produced from consultation.

Based on the enclosed updated information, the Corps has determined that alternative T3 would not change the determination of effects on endangered and threatened species and critical habitat, as previously coordinated. Although some trade-offs exist with selection of alternative T3 over alternative 1bS2-m, the Corps believes that the modifications provide greater benefits for all physiographic areas when considering the balance of flood control, water supply, estuaries, and Lake Okeechobee, by causing no further adverse effects to the system.

Since your staff has actively been part of the LORSS PDT, most of the information being provided has already been shared with them. As such, we are hopeful that the new information we are officially providing will not delay completion of the Biological Opinion. It is critical that we meet milestone schedules for completion of the revised Supplemental Environmental Impact Statement, which is scheduled to be released for public review March 1, 2007. Providing the Biological Opinion prior to this date would assist us in meeting this schedule.

If you have any questions, or require additional information, please contact Ms. Yvonne Haberer at 904-232-1701.

Sincerely,

Marie G. Burns

Chief, Environmental Branch

Enclosures



### UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE Southeast Regional Office 263 13<sup>th</sup> Avenue South St. Petersburg, Florida 33701 (727) 824-5312, FAX (727) 824-5309 http://sero.nmfs.noaa.gov

F/SER31:AL

SEP 2 7 2006

Ms. Yvonne Haberer Jacksonville District Corps of Engineers P.O. Box 4970 Jacksonville, Florida 32232

Dear Ms. Haberer:

This responds to your August 10, 2006, letter regarding the Corps of Engineers' (COE) request for Endangered Species Act (ESA) section 7 consultation on the draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule Study (LORSS). You stated that the draft SEIS constitutes the COE's Biological Assessment. According to the draft SEIS, the purpose of the LORSS is to implement a new water regulation schedule that would improve the health of Lake Okeechobee and the St. Lucie and Caloosahatchee estuaries, while ensuring public health and safety with minimal to no impact on competing project (lake) purposes. The project area includes Lake Okeechobee, the Caloosahatchee River and Estuary, the St. Lucie River and Estuary, Water Conservation Areas, and the Everglades Agricultural Area. You stated that implementation of the preferred alternative in the draft SEIS may affect but is not likely to adversely affect the endangered smalltooth sawfish (*Pristis pectinata*) and the threatened Johnson's seagrass (*Halophila johnsonii*) and requested the National Marine Fisheries Service's (NMFS) concurrence.

NMFS has reviewed the draft SEIS; the information provided is insufficient for us to evaluate the direct, indirect, and cumulative effects of the preferred alternative on listed species designated under the ESA within our purview. We have enclosed NMFS' Recommendations for the Contents of Biological Assessments (BAs) and Biological Evaluations (BEs) and encourage the COE to follow these recommendations. In order to evaluate the range of possible effects to listed species, NMFS requests that the COE's BA be amended to address the following:

- 1. Fully describe all possible direct, indirect, and cumulative effects to listed species from the preferred alternative (see enclosed, refer to definitions on page 3).
- 2. Fully describe interrelated and interdependent actions (see enclosed, page 3).
- 3. Please provide the best available information concerning seagrasses that may be present at the mouth of the St. Lucie and Caloosahatchee Rivers. We are especially concerned regarding potential effects to Johnson's seagrass that may be present at or in close proximity to the mouth of the St. Lucie River. Please state whether Johnson's seagrass will be directly or indirectly affected by the proposed freshwater releases. A seagrass survey within the action area may be needed to determine presence or absence of Johnson's seagrass. The St. Lucie Inlet is designated critical habitat for Johnson's

Johnson's seagrass. The St. Lucie Inlet is designated critical habitat for Johnson's seagrass. The revised BA should clearly state whether the St. Lucie Inlet is part of the action area for the proposed project. If the St. Lucie Inlet is part of the action area, the

COE should make a determination regarding designated critical habitat for Johnson's seagrass.

- 4. Please state whether mangroves would be affected by the proposed freshwater releases.
- 5. The draft SEIS states flow range greater than 2800 cfs can be significantly damaging to the estuary (page 125). Please state the time of year when high-volume releases (i.e., releases greater than 2800 cfs) would occur and what is the anticipated frequency of high-volume releases into the St. Lucie and Caloosahatchee Rivers.
- 6. Describe after-action changes to the action area.
- 7. Describe measures that will be implemented to avoid or minimize adverse effects and enhance beneficial effects to listed species and their habitats (whether designated or not).

Also enclosed are Johnson's seagrass survey guidelines. Johnson's seagrass surveys must be conducted during the growing season between April 1<sup>st</sup> and August 31<sup>st</sup>.

Section 7 allows NMFS up to 90 days to conclude formal consultation with your agency, and an additional 45 days to prepare our biological opinion (unless we mutually agree to an extension). Therefore, if formal consultation is necessary, our anticipated biological opinion completion date is 135 days from the date of our receipt of the information requested above. The ESA requires that, after initiation of formal consultation, the federal action agency must make no irreversible or irretrievable commitment of resources that limits future options. This practice ensures agency actions do not preclude the formulation and implementation of reasonable and prudent alternatives that avoid jeopardizing the continued existence of endangered or threatened species, or destroying or modifying their critical habitats. If the information we have requested from the COE and the applicant allows us to determine that the section 7 consultation can be accomplished informally, NMFS will respond within 30 calendar days if possible.

If you have any questions, please contact Audra Livergood, Fisheries Biologist, at (305) 595-8352, or by e-mail at Audra.Livergood@noaa.gov.

Sincerely,

David M. Bernhart

Assistant Regional Administrator

for Protected Resources

Enclosures (2)

cc:

F\SER47: Jocelyn Karazsia, HCD

Victoria Foster, EPA

File: Ref: 1514-22 F.1 FL JSG T/SER/2006/04089



### United States Department of the Interior

OFFICE OF THE SECRETARY Washington, D.C. 20240

October 12, 2006

Colonel Paul Grosskruger
Commander
United States Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Grosskruger: Paul

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Thank you for the opportunity to review and provide comments on the Draft Supplemental Environmental Impact Statement, Lake Okeechobee Regulation Schedule Study, August 2006 (DSEIS). We appreciate the efforts of your staff in producing the draft report and look forward to working with you as we seek to improve it. The Department of the Interior (Department) generally supports the Tentatively Selected Plan (TSP) (Alternative 1BS2-M) as the best interim plan to manage the lake within existing constraints and we recognize that the expeditious implementation of the Herbert Hoover Dike (HHD) rehabilitation plan is crucial.

The Department recognizes that the water regulation schedule contained in the DSEIS (Phase 2 of the multi-phase effort to improve the regulation schedule) is an interim measure intended to remain in effect from January 2007 thru 2009. Phase 2 primarily addresses the effect of continued historically significant hurricane seasons on the structural integrity of the HHD and the resulting potential of danger to public health and safety. As a result of public health and safety concerns, described in reports by the United States Army Corps of Engineers (Corps) and the State of Florida (State), the water regulation schedule contained in the DSEIS only considered alternatives that achieve zero days above lake elevation 17.25 ft., NGVD. As a result of this constraint and in order to meet project purposes, the TSP would lower the floor of the lake stage by 1 foot. In general, the TSP uses long term low volume releases to the Caloosahatchee Estuary and the Water Conservation Areas (WCAs) to maintain these lower levels.

Phase 3 efforts, expected to begin in 2007 and be completed by 2010, will examine a new water regulation schedule based on the effects of the Comprehensive Everglades Restoration Plan (CERP) Band 1 projects and the State's Acceler8 projects. Phase 3 is also anticipated to include such infrastructure changes as permanent forward pumps. The Department expects that the effects of non-CERP projects, such as Modified Water Deliveries to Everglades National Park and the Combined Structural and Operational Plan, will be included in Phase 3 and we recommend that the DSEIS be amended to reflect this expectation.

The proposed operational guidance in the DSEIS has three distinct primary bands of lake level management. The lowest primary band is known as Supply Side Management, which varies seasonally between 9.5 and 12.0 ft., NGVD. In this band, water in Lake Okeechobee will be managed in accordance with the Supply-Side management Plan established by the South Florida Water Management District (SFWMD) with the option of utilizing temporary forward pumps when the lake level is too low to make gravity discharges for water supply. The middle and largest band, known as the Operational Band, includes several sub-bands and varies seasonally between 9.5 and 17.25 ft., NGVD. The stated goal of the TSP is to manage the lake stage within this band using regulatory releases, base flow releases, and water supply releases as appropriate. The High Lake Management Band varies seasonally above variable elevations between 16.0 and 17.25 ft., NGVD. The goal of operations in this band is to ensure public health and safety; and is designed to lower the lake to the bottom of the High Management Band as quickly as possible. The DSEIS states that in the high Lake management band it is of the utmost importance that the lake level be reduced as rapidly as possible to make room for the next possible flood, to relieve stress on the HHD, and to reduce impacts on the lake's littoral zone. Releases up to the maximum discharge capacity will be made to tide and up to maximum practicable discharges will be pumped south to the WCAs and CERP impoundments. Rates of release will vary depending on downstream channel conditions, conditions in the WCAs and stormwater treatment areas, and other constraints.

In supporting the TSP, we seek to continue to work to minimize adverse environmental impacts during this interim phase and will seek to eliminate these impacts in future phases. For example, the TSP will increase the number and duration of extremely high flows to the Caloosahatchee, is causing ecological damage to the J.N. "Ding" Darling National Wildlife Refuge, and negatively affecting other natural resources. The Department provides the following general comments on the DSEIS directed towards minimizing the potential adverse environmental impacts.

Lowering the stage in the lake will likely influence the Arthur A. Marshall Loxahatchee National Wildlife Refuge (Refuge) as the regulation schedule for the Refuge is tied to stage levels in Lake Okeechobee. Specifically, for water supply deliveries from the Refuge during certain stage conditions, preceding inflows are required from Lake Okeechobee. Although the Department's review of modeling did not show a great effect on water stages in the Refuge, we believe that the South Florida Water Management Model does not adequately simulate effects on the Refuge when the lake is low, and any minimization of the preceding inflow requirement may impact Refuge resources during critical dry periods, including the following:

- Increase the expansion of exotics
- Facilitate undesirable conversion of slough and wet prairie habitats to sawgrass and shrub habitats
- Decrease habitat suitability for fish populations
- Potentially reduce nesting options for wading bird populations
- Increase the likelihood of severe wildland/muck fires
- Influence how the marsh responds to re-wetting events when stage and/or rainfall increases during the beginning of the rainy season.

To minimize these potential impacts, the Department recommends the institution of a weekly coordination forum during Supply Side Management operations (such as the coordination meeting that currently occurs quarterly between partner agencies related to supply-side management) to create a dialogue and coordinate efforts to ensure that Refuge resources are protected during drought conditions. Of course, the long term fix for this situation is to identify and implement permanent alternative water supply practices that will minimize dependency on the Refuge for water supply purposes.

The DSEIS points out that total phosphorus concentrations in Lake Okeechobee climbed to levels as much as four to five times higher than normal as a result of the 2004 hurricanes. Furthermore, the DSEIS notes that model results indicate very minor adverse effects from any alternative to the receiving marsh areas in the Water Conservation Areas (WCAs). These minor effects are primarily due to the stormwater treatment areas (STAs) water quality treatment capacity (currently 64,000 acre-feet annual average based on a lake water phosphorus level) constraint on regulatory discharges from Lake Okeechobee to the WCAs. The DSEIS adds that as phosphorus levels decline in the lake more water can be treated in these STAs and delivered south to the WCAs. As it is not explicitly stated in the DSEIS, the Department believes it is important to reflect in the DSEIS that all releases to the marsh areas will meet applicable State and Federal water quality requirements.

Additionally, Appendix A to the DSEIS includes two items that require additional clarification. The first is a provision for "Make-up Releases" when planned Lake Okeechobee releases to tide (estuaries) must be reduced or prevented due to downstream conditions such as downstream local basin runoff, the tidal cycle, and tidal storm surge. To address this issue, the TSP proposes to conduct releases from Lake Okeechobee to tide to "make up" for the releases that were previously reduced or prevented. The TSP proposes that these "Make-up Releases" from Lake Okeechobee to tide (estuaries) will occur as soon as possible. The Department recommends that the SEIS describe more fully the operational guidance for these "Make-up Releases" including the temporal and volumetric limits for these releases and the accounting methodology. The SEIS should also describe the notification protocols whenever "Make-up Releases" are implemented.

Secondly, Appendix A to the DSEIS also includes new operational guidance for Non-typical Temporary Operations (NTO). The DSEIS states that NTO will only be considered for use when the Management Bands and the regular operational guidance are ineffective at managing lake levels. The DSEIS states that, in most cases, the achievement of lake levels represented by the Operational Guideline will be achieved without NTO. The Department agrees with the DSEIS that NTO should be rare events. Although some events, such as hurricanes, are certainly events that could justify NTO, it is not clear how other conditions would trigger the NTO. The Department recommends that the TSP describe in greater detail the deliberation, coordination, and notification process that would lead to a decision to invoke NTO.

Detailed and technical comments from the United States Fish and Wildlife Service (Service), the Refuge, and the United States Geological Survey (USGS) are attached. Additionally, the Service is in the process of drafting a Fish and Wildlife Coordination Act Report (CAR) and will submit it separately. The CAR includes recommendations on incorporation of managed recessions into the TSP. The Service is also engaged in formal

consultation with the Corps under Section 7 of the Endangered Species Act. The Biological Opinion resulting from the formal consultation will focus on the effects of the TSP on the endangered Everglades snail kite (Rostrhamus sociabilis plubeus), which has designated critical habitat within the littoral zone of Lake Okeechobee.

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Director of Everglades Restoration Initiatives

Attachments

#### **Specific Comments**

Section 1.4. Agency Goal or Objective (page 5). We are concerned that the Tentatively Selected Plan (TSP) does not appear to meet the Corps' goal to improve the health of the Caloosahatchee estuary, specifically mentioned in objective c: "Reduce high regulatory releases to the estuaries." The TSP increases the number and duration of extremely high flows to the Caloosahatchee.

Section 1.6. Decisions to be Made (page 7). In this, and several other later sections in the document, it is stated that "... the Corps eliminated alternatives that did not achieve zero or close-to-zero days above lake elevation 17.25 ft." To clarify, the Corps eliminated all alternatives which did not achieve zero days above 17.25 ft. One of the eliminated alternatives, alt1bS2-A, which had a markedly better performance in the Caloosahatchee estuary than did the TSP, increased lake elevations above 17.25 ft only 12 days out of the 36 year period of record.

Table 2-2: Summary of Direct and Indirect Impacts (page 34) and Section 5.15 Water Ouality (page 123). The SEIS states that there will be no adverse effects to water quality for all alternatives. It appears as though the Corps' water quality evaluation was limited to only water quality within the lake. The TSP is sending, on an annual overage, 84,780 acre/feet more water to the Caloosahatchee estuary. As discussed elsewhere in the SEIS, the quality of this additional water is worse than water sent to the Caloosahatchee in past years. Further analysis of the impacts of this degraded water on the Caloosahatchee estuary is warranted.

Figure 3-4 (page 39) and Figure 7 in Appendix A (page A-12) The Service does not believe that this figure and specifically, the "Operational Guideline" displayed in this figure, provide additional valuable information about how the Corps intends to manage water in the lake. We believe that Figures 4 through 6 of Appendix A provide a clear and sufficient description of the Corps' plan. The operational bands in Figure 4 and the decision trees in Figures 5 and 6 (in Appendix A) provide identifiable decision points that have proven to be useful in explaining operational decisions to the various stakeholders, while providing, in our opinion, more than adequate operational flexibility to the Corps. We believe that Figures 3-4 and Figure 7 should be eliminated from the description of the plan, because they oversimplify (release above the line and hold below the line) the complex issues surrounding management of the lake and could confuse stakeholders.

Section 3.1.2. Lake Okeechobee Management Bands (page 42). One difference between Sub-Band 1/No Flow and Sub-Band 2/Base Flow is that no base flow is sent to the Caloosahatchee estuary in Sub-Band 1, despite the fact that water supply cutbacks are not yet implemented. It has been brought up several times by public and agency comment in previous public meetings, and during the team meetings for this project's evaluation, that

the concept of "shared adversity" should be extended to include base flows (or the lack thereof) to the estuary. The Caloosahatchee appears to be burdened with an unfair portion of the adversity; cutbacks on Caloosahatchee deliveries occur prior to other water users. The Service recommends that base flow to the Caloosahatchee should extend to the bottom of the Operational Band, and should not be curtailed until Supply-Side Management for water supply goes into effect.

Section 5.2.2. Estuarine Vegetation - Caloosahatchee Estuary (page 91). This section and elsewhere mention that all alternatives improve conditions within the Caloosahatchee estuary by increasing the number of flows within the preferred flow range of 450 cfs to 2,800 cfs, without mentioning that the vast majority of this improvement comes only from reducing the number of low flow (< 450 cfs) events. The evaluation of the low flow events and this preferred range of flows appear to be overemphasized, and not enough attention has been given to the high flows. It is true that the number of flow events between 2,800 cfs and 4,500 cfs is reduced by the TSP; however, the high flow events that remain are much higher in volume (> 4,500 cfs) and longer in duration. The report does not include in its evaluation the number of high flow events that last longer than 12 weeks, of which the TSP has 13 occurrences. A freshwater flow event lasting longer than three months is a devastating incident by any measure, and should be avoided. The increase of total volume of freshwater being sent to the Caloosahatchee under the TSP should be described. Discounting water sent during base flow environmental releases, approximately 33,000 acre/feet of additional water would be sent down the Caloosahatchee, on an annual average, during regulatory releases.

Section 5.28. Compliance with Environmental Requirements (page 126). The section should reference the Wilderness Act of 1964. Portions of the J.N. "Ding" Darling National Wildlife Refuge are designated as Wilderness under the act, and this document should evaluate project impacts to these areas accordingly.

Appendix F, Draft Incorporation of Periodic Managed Recessions into the Tentative Selected Plan. We believe that the overall structure of this section provides a useful chronological account of the evolution of scientific opinion on this topic. However, we think that a clearer statement of this chronology is needed; the paper should be updated to include more recent documents on the topic, and the recommendations for the current plan should be provided under a separate heading other than "F.5 Additional Considerations." We recommend that the Corps summarize all of the literature that followed the managed recession in 2000, with particular emphasis on two summaries by Dr. Karl Havens from 2005, which we have forwarded via email to the Corps' Jacksonville District. After expanded discussion of the Corps' opinion regarding the more recent analyses, we recommend that the Corps add a separate section describing the proposed parameters of future managed recessions (e.g. 12 foot stage for 12 weeks, or some other recommendation).

We feel that the most important ecological factor has not yet been addressed in Appendix F – the intended return frequency of these managed recessions. We recommend that these events not be planned any more frequently than, on average, once in every 8 to 10

years. We currently consider that this would provide a favorable balance between the role of drydowns in long-term maintenance of desirable submerged and emergent vegetation in the lake; and the need to allow the apple snail population to recover after drying events to support the endangered snail kite and other species that prey upon them. We also recommend that any unplanned events (droughts without active lowering of the lake) which meet the established criteria in the preceding decade be counted in the calculation of the average return frequency.

The Managed Recession Decision Tree on page F-9 should to have a key included, or it should be explained in detail within the text of this appendix. What is the scientific foundation of the 20,000 acre recovery threshold? Also please describe the seed bank evaluation, and how it will be incorporated into the decision making process. What is meant by "Major Weather Event", and how do they affect the decision to pursue the managed recession for the year? Does this category include both wet and dry events, such as hurricanes and droughts? And does a Major Weather Event refer to only events that have occurred during the year prior to the planned recession, or potential events in the future forecast?



### United States Department of the Interior

#### U. S. GEOLOGICAL SURVEY

Reston, VA 20192

Subject: Review of Draft Supplemental Environmental Impact Statement for the Lake Okeechobee Regulation Schedule Study, Glades, Hendry, Martin, Okeechobee, and Palm Beach Counties, Florida

As requested by the U.S. Department of the Interior, Office of Environmental Policy and Compliance, in their correspondence of August 23, 2006, the U.S. Geological Survey (USGS) has reviewed the subject draft supplemental environmental impact statement (EIS) and offers the following comment.

#### SPECIFIC COMMENT

### Page 96 and Figure 5-8, Section 5.2.2 Estuarine Vegetation

The text and figure describe the total number of weeks that the model predicts water depths greater than 2.5 feet under the various alternatives. The text explains that total number of weeks should not exceed 17 per year; however, whether or not a particular alternative exceeds this criteria in a given year cannot be determined (except on average) from the figure. The text goes on to state that "...the total number of weeks (events \* duration) varies..." However, Figure 5-8 does not allow the reader to distinguish between (at the logical extremes) one very long inundation event, possibly of several years' duration occurring under one alternative, and many short inundations of a few weeks each with a drying-out time between each under another alternative. These two extreme hypothetical scenarios could add to the same total number of weeks (events \* duration) but have very different environmental effects. Finally, there is a problem with the y-axis on Figure 5-8 — for all alternatives, the number of inundation weeks, varying from 2,265 to 2,341, exceed the total number of weeks in the 36-year simulated period of record.

Thank you for the opportunity to review and comment on this draft supplemental EIS. If you have any questions concerning our comments, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 648-5028 or at <a href="https://www.loosley@usgs.gov">lwoosley@usgs.gov</a>.

Lake Okeechobee Regulation Schedule and potential impacts/issues for the Arthur R. Marshall Loxahatchee National Wildlife Refuge

Potential impacts/issues of the Lake Okeechobee TSP Regulation Schedule Revision: Refuge staff have identified a number of potential impacts of the Lake Okeechobee TSP on Refuge resources. Additionally, staff identified a list of information needs that would provide a better understanding of the overall influence of the Lake Okeechobee TSP on the Refuge. Finally, a list of initial recommendations for management actions aimed at minimizing the impacts of a Lake Okeechobee regulation schedule change is presented.

#### Potential impacts

Managing Lake Okeechobee at lower levels may reduce preceding inflow events to the Refuge because of an increased likelihood of the difference between the Lake and Refuge stages being more than 1 ft. Not triggering the preceding inflow requirements to the Refuge may also increase the likelihood of deviation requests by water users to go below the 14 ft floor for water supply purposes.

### Limitations of TSP model output and information needs

- For evaluation purposes, the South Florida Water Management Model (referred to as the 2 x 2 model) uses the 1-7 gauge to characterize water levels in the Refuge as a whole. Because of the large area of the Refuge and a 5 ft difference in soil elevation between the north and south of the Refuge, examining model output for the 1-7 gauge does not provide a reliable picture of changing water levels for the Refuge as a whole. The 1-7 gauge is located in the center of the Refuge and characterizes the least hydrologically impacted area; in general, the north is too dry, and the south too wet. For better spatial coverage, model evaluations should be coupled with output for the 1-9, Lox North, and Lox South gauges.
- An approach similar to that used for the modeling Initial CERP Update (ICU) should be pursued. The ICU examined multiple hydrologic performance measures, ecology-based habitat suitability indices (albeit at a 2 x 2 mile scale), and the use of indicator regions (multiple 2 x 2 grid cells combined for evaluation purposes to separately examine the northern, central, and southern regions of the Refuge). This multifaceted approach provides the most holistic perspective possible given the spatial limitations of the 2 x 2 model. While the draft EIS for the Lake Okeechobee TSP does examine hydrological performance measures, indicator regions across the Greater Everglades landscape are combined together, making it challenging to understand potential changes to Refuge hydrology.
- For the purposes of examining potential changes to the WCA-1 regulation schedule, Refuge staff have identified several pieces of information that would ideally be beneficial for further examination of the proposed changes to the Lake Okeechobee schedule:
  - the new, high-resolution topography (400 meter grid)
  - new hydrodynamic and water quality tools developed for the Refuge
  - the latest vegetation map for the Refuge (SFWMD still working to complete)

- a synthesis of what we currently know about hydrologic changes in the Refuge
- the new Everglades Depth Estimation Network (EDEN) developed by USGS
- During the spring recession period reversals in water levels can cause:
  - nest flooding for both wading birds and alligators
  - nest abandonment because of the reduced foraging ability of adult wading birds for feeding nestlings
  - increased predator encounter potential with increased water levels from reversal event when compared to predator movement under low water levels.

It is important that the frequency and magnitude of reversals resulting from the Lake Okeechobee TSP not be greater than under current conditions; however, this information is not presented in the draft EIS. Although the draft EIS examines reversals across the entire Greater Everglades, the three indicator regions for the Refuge are not independently characterized.

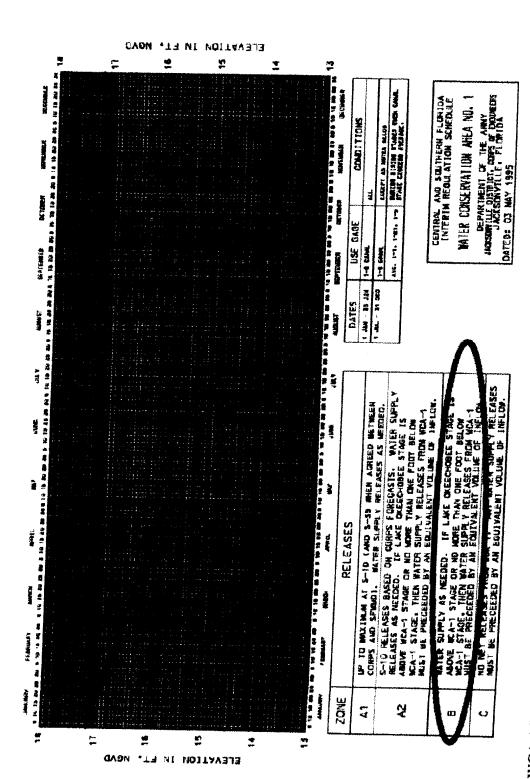
It is unclear to what extent lowering the floor of Lake Okeechobee by 1 ft will
influence the MFLs established for the Refuge, especially given the increased
potential for deviation requests for water supply purposes as described above.

#### Potential management recommendations

- Efforts should be made to minimize accelerated recession rates. A recession rate of no greater than 0.2 feet per week (the same recession rate used in the current temporary deviation) is recommended.
- Every attempt should be made to identify and implement <u>permanent</u> alternative water supply practices that will minimize dependency on Refuge water for water supply purposes. Water supplied to the Lake Worth Drainage District (LWDD) via the C-51 canal has been shown to partially supplement existing use. A plan has been developed, but not yet implemented, to permanently install pumps to provide water supply for LWDD that will provide an option for water delivery other than through the Refuge. Other water management options should be examined and implemented.
- Currently, WCA-1 is generally managed at the upper limit of the regulation schedule (i.e., deeper conditions). This operational practice results in less hydrologic variability within a Zone, which may not reflect the intended historical environmental conditions. Similarly, the modeling for the Lake Okeechobee TSP is based on operational decisions to manage at the upper limit of the regulation schedule. Based on regional wet/dry conditions, efforts should be made to allow for more variability within the regulation schedule, and to incorporate this variability into modeling applications.

Currently, unlike Lake Okeechobee, water supply deliveries from the Refuge do not occur from a supply-side management perspective. Implementation of the Lake Okeechobee TSP may result in reducing water management options during dry events and/or times of drought. Coordination of water-use activities currently occurs during quarterly water coordination meetings with partner agencies such as LWDD, SFWMD,

and Corps staff. An alternative forum may be necessary to examine potential supply-side management efforts to ensure Refuge resources are protected during drought conditions.



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WCA-1 Regulation Schedule. Preceding inflow requirements highlighted for Zone B (and also exist for Zone A2).



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

September 28, 2006

Mr. Stuart Applebaum Chief, Planning Division U.S. Army Corps of Engineers Jacksonville District P.O. Box 4970 Jacksonville, FL 32232-0019

ATTN: Ms. Yvonne Haberer

SUBJ: EPA Review of COE DSEIS for Lake Okeechobee Regulation Schedule Study (LORSS) Dated August 2006; Glades, Hendry, Martin, Okeechobee and Palm Beach Counties, Florida; CEQ #20060337; ERP #COE-E39051-FL

Dear Mr. Applebaum:

Pursuant to Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the subject U.S. Army Corps of Engineers (COE) Draft Supplemental Environmental Impact Statement (DSEIS). The LORSS is an evaluation of the COE's proposed new water regulation schedule for water releases from Lake Okeechobee (Lake) relative to the existing Water Supply Environment (WSE) schedule. The modifications to the Lake release schedule are only operational, with no structural changes being offered. The proposed new schedule is only an interim plan until a re-evaluation is made in 2010 (when additional water storage areas are to be available). This DSEIS supplements the COE's 1999 WSE Final EIS (FEIS).

Normal seasonal Lake operational levels are managed between a 12.5 ft and 15.5 ft NGVD pool. However, Lake levels can be considerably higher during wet years, with hurricanes and heavy rain events increasing the risk of the surrounding Herbert Hoover Dike (HHD) levee system failing. Accordingly, all of the COE's action alternatives focus on limiting the maximum Lake level to 17.25 ft (as opposed to the present 18.5 ft) to maintain HHD integrity for added public health and safety. This would also promote Lake ecological health by improving conditions for Lake littoral habitat and submerged aquatic vegetation (SAV). Lake waters are released to only three receiving waters: two estuaries – eastward to the St. Lucie Estuary via the St. Lucie Canal and Indian River Lagoon (IRL) and westward to the Caloosahatchee Estuary/Charlotte Harbor/San Carlos Bay system via the Caloosahatchee River – and southward to the Water Conservation Areas (WCA) and Everglades in general via the Everglades Construction Project Stormwater Treatment Areas.

The current water quality, with its extremely high levels of phosphorus, clearly affects the decision on Lake releases. Lake water released to the estuaries is an ecological concern since these waters are fresh and ladened with phosphorus and nitrogen nutrients, and can therefore affect algal growth potential, including possible red tide and other harmful algal bloom episodes. Releases to STA-3/4 are limited by its size and treatment capacities (currently 64,000 acre-feet annual average, based on Lake phosphorus level: pg. 123) as well as the seasonal need for water by the WCAs (usually in spring). Any new regulatory schedule should therefore factor in the current operational capacity of the existing STAs.

Pulse Lake releases are generally regulatory for flood control, environmental for saltwater intrusion control and other environmental benefits, or other releases such as for water supply. Aside from emergencies, releases are regulated in terms of their flow, volume, duration and timing (critical ecological periods) and therefore can influence estuarine salinities, the success of oyster/other fisheries and seagrasses, as well as other natural system considerations. It should also be noted in this regard that both the IRL and Charlotte Harbor are National Estuary Program (NEP) waterbodies currently being monitored.

In addition to emphasizing lower Lake levels, the proposed new water release schedule appears to favor management control for mean flows and flows during critical ecological periods – such as oyster spawning and seagrass reproduction – as opposed to the control of high flows or flows of long duration. We note, however, that as a general statement, the DSEIS states (pg. 106) that flows "with fewer high discharges of shorter duration are preferred."

EPA is aware that there will likely be some constraints, tradeoffs and use conflicts associated with the implementation of almost any new schedule selected since receiving water options are limited. However, we consider the proposed new schedule interim in nature since, with the continued implementation of the Comprehensive Everglades Restoration Plan (CERP), the proposed new release schedule is to be re-evaluated in 2010. EPA encourages expedited implementation of CERP and the re-consideration of the proposed new schedule with additional water storage capacity. Additional storage proposed by CERP, or by the State's Acceler8 Program expediting components of CERP, include the anticipated Everglades Agricultural Area (EAA) surface reservoirs (cells A1 and A2), the Caloosahatchee Basin reservoir, the C-44/St. Lucie Canal reservoir assisted STA project, Lake Okeechobee Watershed project reservoirs, and possible underground storage in Aquifer Storage and Recovery (ASR) wells located near the Lake (feasibility pending ongoing pilot studies).

In addition to the existing No Action WSE Alternative, five action alternatives were considered in the DSEIS: Alternatives 1bS2-m (COE's preferred alternative/proposed action), 1bS2, 2a, 2a-m, and 4. Essentially, Alternative 1bS2-m would maximize lower Lake level management by allowing no extreme high water to exceed the 17.25-ft stage; Alternative 1bS2 is similar to 1bS2-m but would allow occasional exceedances of the 17.25-ft stage (12 days during the 36-year simulation);

Alternative 2a would offer a new approach to the regulatory release bands (high stage, operational and low stage levels) based on a defined target; Alternative 2a-m is a modification of 2a that would significantly reduce extreme high discharges to the estuaries; and Alternative 4 is similar to 1bS2 but would be more aggressive and provide additional flexibility to manage the Lake at lower stages.

Overall, EPA finds these alternatives to be complex and without a clearcut environmentally preferable alternative. While all alternatives would generally lower Lake levels by about one foot, the five options for releases to the estuaries contribute both positive and negative estuarine effects. Given the COE's goal of lowering Lake levels for public safety and restoring Lake littoral habitat, as well as the current constraints of having only limited receiving waters available, the COE's preferred alternative (1bS2-m) appears workable as an interim measure. The COE considers (pg. ii) Alternative 1bS2-m the "best operational compromise". However, we suggest that Alternative 1bS2 also appears to be reasonable and provides better control of long flow durations and high volume flows to the two estuaries (while being similar in mean monthly flows and during critical ecological periods: pp. 107-110). However, EPA will defer to the COE regarding the additional risk associated with 1bS2 regarding its predicted occasional exceedances above 17.25-ft Lake levels.

Regardless of the alternative selected in the Final SEIS (FSEIS), we agree with the use of supplemental implementation of Non-Typical Temporary Operations (NTOs), as appropriate, to provided greater flexibility. However, NTOs should not only be used to adapt the selected schedule for the unusual events referenced on page 55 (weather conditions, managed Lake recessions, low volume releases), but also for certain environmental conditions that may need NTO supplementation (e.g., red tide or other harmful algal bloom episodes that could be exacerbated by additional, nutrient-rich pulse flows; anomalies during atypical years such as a delayed spawning season). We also recommend maximum releases to the STAs, although within the limits of their water quality treatment capacities and the freshwater needs of the WCAs and Everglades in general. To the extent that the HHD integrity is not compromised, the currently proposed interim schedule should reasonably incorporate estuarine health measures until the re-evaluation of this schedule in 2010, with additional CERP storage in place, to benefit the estuaries further.

EPA rates this DSEIS as "EC-1" (i.e., EPA has Environmental Concerns and requests some additional clarification in the FSEIS). While the proposed new schedule is intended to improve the current WSE schedule – notably lower the risk of HHD failure and improve Lake littoral habitat – it is an interim schedule that will need to be re-evaluated in 2010 when additional CERP/Acceler8 storage areas are in place. Even with the use of NTOs, the proposed new Lake schedule can still be expected to lower estuarine salinities during wet seasons and increase nutrient concentrations until additional water storage and water treatment capacity is provided by Accerate8 and CERP. Additional clarification requested for the FSEIS primarily includes water quality information for the existing conditions of the Lake and estuaries as well as the potential effects of the proposed new schedule on Total Maximum Daily Load (TMDL) goals.

The COE's responses to these comments and our additional comments enclosed as *Detailed Comments*, should be considered in the FSEIS. Should you have questions regarding our comments, please contact Chris Hoberg of my staff (404/562-9619 and hoberg.chris@epa.gov) for overall NEPA issues or Eric Hughes of the South Florida Office in the EPA Water Management Division (904/232-2464 and hughes.eric@epa.gov) located at the COE Jacksonville District, for technical issues.

Sincerely,

Heinz J. Mueller, Chief NEPA Program Office

Office of Policy and Management

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Enclosure: Detailed Comments

cc:

Doug Chaltry – USFWS at Vero Beach, FL Don Fox – FFWC at Okeechobee, FL Greg Knecht – FDEP at Tallahassee, FL Kim O'Dell – SFWMD at West Palm Beach, FL Bob Pace – USFWS at Vero Beach, FL

### **DETAILED COMMENTS**

\* <u>NEPA Process</u> – Page 57 indicates that the present DSEIS supplements the 1999 WSE FEIS. For the FSEIS, we suggest that this fact be included earlier in the document such as in the Executive Summary and Chapter 1 or 2.

#### \* Alternatives

- + Description Summary The presented action alternatives are complex. For the benefit of the public reviewer, we suggest that the descriptions in Chapter 2 include a brief summary paragraph for each alternative that describes and compares the alternative to the No Action WSE in layman terms.
- + Temporary Pumps (Section 2.2, pg. 13, last para.) The relationship between the South Florida Water Management District (SFWMD) proposed "temporary pumps" (400-600 cfs) to be located at Lake discharge structures S-354, S-351 and S-352, should be more fully discussed in the FSEIS. Although these pumps would be constructed with non-federal funds, the relationship between the LORSS preferred alternative (1bS2-m), the lowering of the Lake schedule stages and the ability that the "temporary pumps" provide to deliver drought period water supply deliveries to the downstream EAA and the Lower East Coast, should be fully described and explained. Also, the ongoing Section 404 permit application by the SFWMD, to receive federal authorization to construct and locate these pumps, should be fully described and discussed in the FSEIS.
- + Ranking Summary We note that ranking the performance of the alternatives (Chapter 4) was discussed in the document. Although the Jacksonville District website summarizes the ranking of alternatives for various performance measures (public safety, St. Lucie estuary, Caloosahatchee Estuary, water supply, navigation, greater Everglades), such a summary does not appear to exist in the DSEIS. Although tables documenting the performance of alternatives are provided (pp. 107-110), performances should also be ranked for each parameter in the FSEIS and related to the selection of an overall preferred alternative. The bases of the rankings should also be provided and a tabular ranking format is recommended.
- + Alternative 1bS2-m Flows Alternative 1bS2 seems to perform better in controlling long flow durations and high volume flows to the two estuaries than the COE's preferred alternative (1bS2-m), while being similar in mean monthly flows and during critical periods (pp. 107 to 110: Tables 5-1 to 5-6). The FSEIS should discuss if these high flows and durations (Tables 5-2 and 5-5) to the estuaries are perhaps beneficial by being timed during a dry timeframe when flows are needed to control saltwater intrusion. If not, and assuming such flows are not beneficial to the estuaries, the FSEIS should further discuss the DSEIS selection of 1bS2-m as the overall COE-preferred alternative over 1bS2 (or other alternatives). EPA will defer to the COE regarding the additional risk associated with 1bS2 regarding its predicted occasional exceedances above 17.25-ft Lake levels.

- "...the Corps has determined that the preferred Alternative, 1bS2-m, is not likely to adversely affect Johnson's seagrass." This conclusion should be further discussed considering that 1bS2-m is predicted to produce high flows and long flow durations, which could affect estuarine salinities. Page 106 indicates that flows of >4500 cfs, which are predicted for all alternatives (pg. 109), can even affect salinities as far downstream as San Carlos Bay.
- + Upstream Reach of Caloosahatchee River Section 4.4.2 (Affected Environment Northern Estuaries) in the FSEIS should provide a brief description of the water quality, water resource and fish and wildlife resources of the freshwater portion of the Caloosahatchee River, upstream of S-79 to the Lake Okeechobee (a distance of some 50 miles). This waterbody has significant cultural, recreational, aesthetic and environmental qualities and characteristics, which will be affected by any LORSS alternative. The FSEIS should provide documentation in Chapters 4 or 5.
- + Lake and Estuarine Water Quality Conditions Section 4.9 (Affected Environment Water Quality) should be significantly expanded in the FSEIS. SFWMD's annual South Florida Environmental Report (SFER), located at SFWMD's homepage, provides detailed historic and current water quality information about Lake Okeechobee (Chapter 10) and the St. Lucie and Caloosahatchee estuaries (Chapter 12). With water quality conditions in the Lake currently being at an all time low (5-yr rolling average for TP is 158 ppb TP) and recent (2004 and 2005) TN/TP loads to both estuaries being extremely high, the SFER should be cited and used as a reference to accurately describe these water quality conditions and challenges.
- + Summary of Water Quality Projects We also suggest that all recent and ongoing state and federal studies/projects to improve the Lake's water quality (particularly TP and TN) be briefly summarized (e.g., project, purpose, status, results) in Chapter 4 (Affected Environment) of the FSEIS. These should include in-Lake and Basin projects (e.g., Kissimmee River restoration).
- \* NTOs The FSEIS should discuss how and when NTOs would be implemented and who would authorize such a procedural change. The list of NTO events (pp. 50; 55) should also include environmental issues associated with the estuaries, as previously discussed (e.g., anomalies during atypical years; red tide episodes).
- \* Cumulative Impacts This section (5.22) should be re-written for the FSEIS. Cumulative impacts of the proposed new schedule would primarily affect the water resources within the project area, namely, Lake Okeechobee, the St. Lucie Estuary, the Caloosahatchee Estuary, and the WCAs/Everglades proper. The FSEIS should discuss how the water resource in these areas would be affected by the proposed new schedule (water quality such as TN/TP, TSS, salinity; fisheries; water supply; recreation; navigation; etc.) together with all other ongoing or reasonably foreseeable federal and non-federal projects or events in the area (CERP projects such as IRL restoration,





## LEWIS, LONGMAN & WALKER, P.A.

October 16, 2006

Stuart Appelbaum
U.S. Army Corps of Engineers,
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Dear Mr. Appelbaum:

The Seminole Tribe of Florida ("STOF") is writing to provide comments on the Lake Okeechobee Regulation Schedule Study Supplemental Environmental Impact Statement ("LORSS SEIS") dated August 2006.

The STOF's primary concern is the lack of analysis regarding water supply impacts to the Tribe's Brighton and Big Cypress Reservations. The STOF is also concerned about the lack of modeling results and analysis regarding water supply impacts to the Lower East Coast, due to the STOF's Hollywood Reservation reliance on agreements with various providers to meet potable water demands. Finally, the SEIS states that there will be no impact to Native American resources, but the lack of discussion in the SEIS regarding these issues does not indicate any real analysis to support that conclusion. On September 25, 2006, the STOF met with representatives from the U. S. Army Corps of Engineers and the South Florida Water Management District ("SFWMD") to discuss its concerns. As a result of that meeting the Corps and the SFWMD are working together to provide the STOF with a set of mitigation measures to ensure continued deliveries of the STOF's Federal Water Rights Compact, Agreements and entitlements. This discussion is ongoing; however, the SEIS should reflect these impacts and the proposed mitigation to assure that the SFWMD and Corps obligations to the STOF will be met.

The goal of the LORSS SEIS is "to implement a new regulation schedule that would improve the health of Lake Okeechobee and the St. Lucie and Caloosahatchee Estuaries, while continuing to ensure public health and safety, and with minimal or no impact to the competing project (lake) purposes." The objectives of the LORSS are:

### Helping Shape Florida's Future\*

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- a. Ensure public health and safety
- b. Manage Lake Okeechobee at optimal lake levels to allow recovery of the Lake's environment and natural resources
- c. Reduce high regulatory releases to the estuaries
- d. Continue to meet Congressionally authorized project purposes including, flood control, water supply, navigation, fish and wildlife enhancement, and recreation.

Consistent with this goal and these objectives, the STOF understands the difficulty in managing Lake Okeechobee for its multiple, and sometimes competing purposes. Page 35 of the Supplemental Environmental Impact Statement ("SEIS") states, "Alternative 1BS2-m was identified to be effective and proficient at providing for public health and safety, containing flexibility to perform water management operations, and when unavoidable, having a more equal distribution of shared adversity than WSE." We offer comments relative to this alternative's performance, the assumptions it is based upon and the need to incorporate more information into the SEIS in terms of the potential effects on the STOF water rights for the Big Cypress and Brighton Reservations and the water supply impacts to the Lower East Coast, specifically Hollywood.

The STOF's review of the proposed alternative in the SEIS indicates that it has mixed performance in terms of meeting the goal and stated objectives. This is particularly relevant to objective (d) listed above. While the proposed alternative, 1BS2-m, appears to manage Lake levels better on the high end, low end management creates more risk to the STOF's Federal Water Rights Compact, Agreements and entitlements. The SEIS portrays the proposed schedule as allowing the Congressionally authorized water supply purposes of Lake Okeechobee to be met, but this does not appear to be accurate because the water supply project purposes are met less often due to implementation of the proposed alternative.

Most importantly, the STOF's chief concerns are related to the fact that there is very little to no discussion in the SEIS related to the proposed regulation schedule and its effects on the STOF. Specifically, the SEIS does not identify the STOF's Federal Water Rights Compact, Agreements nor entitlements and the rights the STOF has to certain quantities of water under both Federal and State law. Equally important are the assumptions used in the hydrological modeling, Appendix E. We are very concerned that the water supply modeling completed to date does not include any real measure of impact to water supply deliveries to the Brighton and Big Cypress Reservations.

Additionally, as stated above, the STOF's Hollywood Reservation relies upon agreements with various service providers to meet potable water demands. The STOF is concerned about the water supply impacts to the Lower East Coast Service Area because this area relies upon Lake Okeechobee as the backup supply source in times of water shortage. The SEIS appears to downplay the risk to water supply in terms of performance of Alternative 1BS2-m and the economic impact to water suppliers in times of drought. The risk to water supply is demonstrated by the increase in Lower East Coast water restrictions, the frequency of Minimum Flow and Level exceedences and violations for Lake Okeechobee, and the need to operate forward pumps to deliver water out of Lake Okeechobee when the levels are low.

Most remarkably, Section 5.20 states, "There would be no impact to Native American resources", yet a review of the SEIS reveals that there has been no real analysis of the proposed alternative on Tribal lands or resources. For instance, Section 4.8 on Water Supply (page 82) makes no mention of the use of Lake Okeechobee to deliver water to the STOF. The section merely describes the reliance on Lake Okeechobee for urban and agricultural use. Section 5.6, on the Socio-Economic aspects of the proposed schedule, makes no mention of the environmental effect of the regulation schedule on Tribal lands. Sections 5.13, 5.14 and 5.15 relative to the environmental effect of the proposed alternative on water supply, flood protection, and water quality, respectively, do not mention any relationship to, or impact upon, Tribal lands. Section 5.25 concludes, "Alternatives evaluated are compatible with Federal, State, and local objectives." There is no mention of the compatibility of the alternatives with Tribal objectives. Finally, Section 5.28, Compliance with Environmental Requirements, does not list the STOF's Federal Water Rights Compact, Agreements and entitlements currently in effect that govern the STOF's water rights. The only place any consideration of STOF lands or resources appears in the SEIS is a description in the assumptions for the South Florida Water Management Model, but this does not directly evaluate impacts to water supply for the STOF. We address those assumptions later in this document.

#### **Entitlement Issues and Water Rights**

The STOF has a distinct set of water rights governed by Federal and State law and various agreements. Because of these unique rights, and because there is a lack of discussion of the effect of the schedule on the STOF, we provide the following summary regarding the various Entitlements and obligations relative to the STOF.

In 1987, the United States Congress passed the Seminole Indian Land Claims Settlement Act, P.L. 100-228, which incorporates the Water Rights Compact among the STOF, the State of Florida and the SFWMD. The Florida Legislature enacted Chapter 87-292 and codified Section 285.165, F.S. as the companion state legislation regarding the Water Rights Compact. The intent of the Compact, the Act and legislation was to create specifically defined water rights for the STOF. Section VI.B. addresses specific surface water entitlements for the Brighton Reservation, the Hollywood Reservation and the Big Cypress Reservation.

In 1989, an Agreement was approved between the SFWMD and the STOF on an Emergency Plan for Implementation of Technical Report on Water Availability Estimates for the Brighton Seminole Reservation — Water Shortage Conditions. The Agreement stated that when Lake Istokpoga can no longer release water, but while canals are still at or near optimum levels, the SFWMD will deliver the STOF fifteen (15%) of the available water in the canals.

In 1992 under Section VI.A. of the Compact, an Agreement was signed between the SFWMD and the STOF Providing for Water Quality, Water Supply and Flood Control Plans for the Big Cypress Seminole Indian Reservation and the Brighton Seminole Indian Reservation (also known as Agreement No. C-4121) Implementing Section V.C. and VI.D. of the Water Rights Compact. This 1992 Agreement addresses the Compact rights to surface waters for the Brighton and Big Cypress Reservations. Additional canal and pump operational stipulations are included

#### in the 1992 Agreement.

The 1996 Agreement between the SFWMD and the STOF Providing for Water Quality, Water Supply and Flood Control Plans for the Big Cypress Seminole Indian Reservation and the Brighton Seminole Indian Reservation, specifically references the Water Rights Compact of 1987 and the 1992 Agreement, Section D.1. It states that the SFWMD and the STOF entered into this 1996 Agreement to implement the Water Rights Agreement Section VI.B. and the 1992 Agreement. It further states that the Agreement reserves a sufficient volume of water from Lake Okeechobee for the STOF. The 1996 Agreement also references the 1992 Agreement and confirms that "optimal canal levels" is the governing regulation concerning delivery of the STOF's Entitlement pursuant to Section VI.B. of the Compact. Finally, the Agreement states in Section D.4., that the SFWMD is required to mitigate and / or study any changes in surface water supplies to the STOF's Federal Reservations due to implementation of the Everglades Program, SFWMD Water Supply Plans, and changes to Lake Okeechobee Regulation Schedules which may be developed or adopted.

The Compact, Criteria Manual, Tribal Water Code, and related Agreements constitute the laws governing the Tribe's water rights, management and storage of surface water and groundwater on Reservation and Tribal Trust lands.

#### **Specific Comments**

- Analysis of the USACE's proposed Lake Okeechobee regulation schedule shows it will result in the Lake's levels declining to below 10 feet NGVD on a more frequent basis. Clearly, this is a concern for both the Brighton and Big Cypress Reservations since both Reservations rely on the Lake, in part, for water supply and it is difficult to convey water out of the Lake below this level. District staff met with Tribe and USACE representatives last week to discuss the District's proposed short and long-term measures, and additional alternatives, to address the issue at both Reservations. These discussions are ongoing. Please add a discussion of mitigation measures necessary to offset any impacts to the STOF pursuant to the Water Rights Compact and Agreements between the STOF and SFWMD.
- Please include in the document any results of water supply modeling that has been completed that would address the STOF's lands and resources more directly. The STOF requests that the water supply modeling include the proposed operational plans in order to make deliveries per the 1992 Agreement. This Agreement contains stipulations on the necessary canal levels to make deliveries during water shortage.
- The Tribe's 1989 Agreement between the SFWMD and the STOF states that when Lake Istokpoga can no longer release water, but while canals are still at or near optimum levels, the SFWMD will deliver the STOF fifteen (15%) of the available water in the canals. It's likely this cannot be achieved without modifications to the G-207 and G-208 pumping facilities. Has there been any analysis on whether or not this can be achieved with the proposed schedule?

- How is the flexibility in LORSS accounted for in terms of making deliveries pursuant to the Compact? Specifically how do the Non-typical Operations ("NTOs") account for the Tribal Entitlements?
- Approximately one-fifth of the Brighton Reservation is included within the LOSA. This relationship regarding the STOF's reliance on water supply deliveries as a part of the LOSA must be included in the SEIS. Pages E-27 and E-74-76 show that for the Lake Okeechobee Service Area the increased risk to water supply is 30,000 acre feet or 9% 'demands not met.' During the CERP discussions and evaluations, the STOF agreed to a 3% 'demands not met' at Brighton Reservation. Anything over 7% 'demands not met' was considered unacceptable. The 9% 'demands not met' for the LOSA would not be acceptable for the STOF. There is also a concern of how the CERP plans will mesh with the new schedule. Will the 9% 'demands not met' be added to the CERP % 'demands not met'? The STOF requests that the Corps analyze the impacts specifically for the Brighton Reservation.
- The assumption for the Seminole Brighton Reservation on page E-83 reads that the Tribal rights to the quantities in Table 7, of the 1992 Agreement are preserved. Table 7 is inappropriate to use because it is a minimal amount of water to be delivered to the STOF when Lake Okeechobee or Lake Istokpoga are in a declared water shortage. The appropriate quantities are those approved in the STOF's Work Plan which is annually approved because these quantities are based upon actual demand or use, not just quantities in a declared shortage period. Pursuant to that 1992 Agreement, the SFWMD must use it best efforts to operate the pumps at S-71 and S-72 on the C-41 and C-40 canals when the level of Lake Okeechobee falls below ten (10) feet NGVD, as long as mechanically possible without damaging the pumps, in order to provide the minimum amounts of water identified in Table 7. Increased Minimum Flow and Level exceedences and violations, as indicated in various SFWMD water supply presentations, and lower Lake stages overall indicate that it will be more difficult for the SFWMD to meet this obligation. Please provide an analysis of the impact of those lowered Lake levels on the SFWMD's ability to meet this obligation.
- The 1996 Agreement between the SFWMD and the STOF Providing for Water Quality, Water Supply and Flood Control Plans for the Big Cypress Seminole Indian Reservation and the Brighton Seminole Indian Reservation states in Section D.4., that the SFWMD is required to mitigate and / or study any changes in surface water supplies to the Brighton and Big Cypress Reservation due to implementation of the Everglades Program, SFWMD Water Supply Plans, and changes to Lake Okeechobee Regulation Schedules which may be developed or adopted. Based on the Consultation meeting on September 25, 2600, it is the STOF's understanding that the SFWMD will mitigate such impacts in accordance with the Compact, the 1992 Agreement, and the 1996 Agreement. Please include a discussion of these mitigation measures in the SEIS which will be necessary due to the implementation of the proposed alternative.
- It would appear that continued deliveries of the STOF's water entitlement to the Brighton and Big Cypress Reservations will only be possible in low water conditions by way

operation of the temporary forward pumps or with the G-207 and G-208 pumping facility modifications referenced above. Until the necessary permitting for these pumps is complete we will not know whether the water supply impacts to the Reservations can be ameliorated.

- The assumption on page E-84 accounts for the Seminole Hollywood Reservation as follows: "Hollywood Reservation demands are set forth under VI.C of the Water Rights Compact. Tribal sources of water supply include various bulk sale agreements with municipal service suppliers." The Lower East Coast Service Areas ("LECSAs") 1, 2 and 3 results show increases in simulated cutbacks from 31 months, 80 months, and 31 months, respectively, to 33 months, 82 months and 33 months. This increase in cutbacks and restrictions for the LECSAs is a serious concern to the STOF.
- The revision of the Supply Side Management line and rulemaking is an important consideration and a more detailed discussion of that rule needs to be included in the document.

Due to the lack of discussion of the direct impacts to the STOF's water supply interests, reliance upon forward pumps that are neither permitted nor constructed and other mitigation measures that are not described in the document, there is no certainty that the proposed alternative can be operated without impacts to the Seminole Tribe's lands and reservations. Because of the tentative nature of the proposed mitigation measures, the STOF cannot support the proposed alternative at this time.

We appreciate the opportunity to provide these comments to you and we look forward to working with you on improving the next Draft of the LORSS SEIS. For any additional questions you might have, please do not hesitate to call Michelle Diffenderfer / Erin Deady (at 561.640.0820) or myself at (954.965.4380).

Sincerely,

Erin L. Deady

Craig Tepper - Seminole Tribe of Florida
 Cherise Maples - Seminole Tribe of Florida
 Pete Milam - U. S. Army Corps of Engineers
 Michelle Diffenderfer - Lewis, Longman & Walker, P.A.

### LEHTINEN, VARGAS & RIEDI P.A. ATTORNEYS AT LAW

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7700 North Kendall Drive, Suite 303 Miami, Florida 33156

**FACSIMILE COVER SHEET** 

RECEIVED

PLEASE DELIVER IMMEDIATELY!

TO:

Colonel Paul L. Grosskruger

U.S. Army Corps of Engineers

**District Commander** 

FAX:

904-232<del>-1213</del>

DATE:

October 16, 2006

FROM:

Dexter Lehtinen

FILE #:1.64

Attachments sent via Fed Ex and U.S. Mail.

This facsimile consists of 14 page(s) including the cover page. If you do not receive all the pages, or if you encounter any other difficulty, please call Adriana at the phone number listed above.

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## LEHTINEN VARGAS & RIEDI

ATTORNEYS AT LAW A PROFESSIONAL ASSOCIATION

October 16, 2006

Colonel Paul Grosskruger
c/o Yvonne L. Haberer
U.S. Army Corps of Engineers
400 West Bay Street
Jacksonville, District 32232-0019
Via Fax and U.S. Mail: E-Mail: and Express Mail

Re: MICCOSUKEE TRIBE OF INDIANS COMMENTS ON THE DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE LAKE OKEECHOBEE REGULATION SCHEDULE STUDY DATED AUGUST 2006.

Attention: Yvonne L. Haberer at LORSS@sai02.usace.armv.mil

Dear Colonel Grosskruger,

#### I. OVERVIEW

## The Draft SEIS for the LORSS Fails to Comply with NEPA and other Federal Law

The Miccosukee Tribe of Indians hereby files its comments on the U.S. Army Corps of Engineers (Corps) Draft Supplemental Environmental Impact Statement (SEIS) for the Lake Okeechobee Regulation Schedule Study (LORSS) dated August 2006. The Draft SEIS states that "All alternatives evaluated were based on managing Lake Okeechobee at a lower level than the current regulation schedule," and that the "issue of public health and safety based on the issue of the integrity of the Herbert Hoover Dike was also a key factor in the making process to select a preferred alternative regulation schedule." At the public meeting on September 12, 2006, the Tribe commented that the Draft SEIS for the LORSS appeared to contain conflicting information concerning the levels at which the Lake must be kept to ensure the integrity of the Herbert Hoover Dike(HHD). For instance, the letter from Secretary of the Army Woodley to Governor Bush attached to the Draft SEIS states that Lake levels must be kept below 18.5 feet to ensure dike integrity, while the level used to screen the alternatives was 17.25 feet. Additionally, another Corps document entitled Lake Okeechobee and the Herbert Hoover Dike states that: "even if we were to substantially lower the lake, during a 100 year flood event, the water comes into the lake much faster that we could remove it. The Lake level could still rise to an elevation that could result in dike failure." The Draft SEIS should contain an engineering analysis to support the 17.25 feet Lake level, and a risk analysis of potential dike failure even if the lake is lowered, so that decisions are made on sound science.

The Draft SEIS recommends the preferred alternative (1bS2-M) as the Tentatively Selected Plan (TSP). The Tribe objects to the incorrect statement in the Draft SEIS that, "There would be no impact to Native American resources." (See, SEIS at p.124.) The TSP will impact the resources of the Miccosukee Tribe and its members whose Tribal Everglades in Water Conservation Area 3A (WCA 3A) has been subject to high water conditions for over eight years under the Corps' actions, including the Interim Operational Plan (IOP). Under IOP, which closes the S-12A, B and C gates for nine months a year allegedly to protect the Cape Sable seaside sparrow, the Corps has removed the cap on how high the water can get in WCA 3A, which is precarious for Tribal members in a hurricane. The Tribe agrees with the Corps that public health and safety must be a paramount concern and asks it to show the same concern for the health and safety of Miccosukee Tribal members. Based on the public heath and safety concerns expressed in the LORSS, the Corps should reevaluate the closing of the S-12 gates under IOP, and open them, so that plan to make maximum releases to WCA 3A under the TSP to protect our neighbors around the Lake does not imperil Tribal members. Opening and cleaning out the massive S-12 gates at the bottom of the system, and expediting the implementation of the Modified Water Deliveries project to allow more water to flow south, would help alleviate the high water conditions impacting the Tribal Everglades, Lake Okeechobee, and the Caloosahatchee and St. Lucie estuaries.

If an engineering analysis shows that keeping the Lake below 17.25 feet is necessary to ensure the integrity of the dike, this does not absolve the Corps of its duty under the National Environmental Policy Act ("NEPA") to disclose all impacts of such a change to the Lake regulation schedule. Under NEPA, the Corps is required to make the LORSS Environmental Impact Statement a full disclosure document and to mitigate the impacts. Thus, the Corps Draft SEIS must report all excess water, and all excess phosphorus, that will impact other environmental areas as a result of the proposed alternative. The Draft SEIS should also fully disclose the impacts of the TSP on flood control and water supply but does not.

The Draft SEIS also fails to assess the cumulative impacts on the Tribal Everglades in WCA 3A. This area of the Everglades is also the critical habitat for the endangered Snail Kite, which has declined an alarming 50% under the IOP operations in the southern part of the system. The government promised the Tribe that WCA 3A would be preserved in its natural state in perpetuity for the benefit and use of Tribal members. Sadly, WCA 3A has severely deteriorated under IOP operations, and the TSP, which will result in 47 additional weeks of sustained high water, will exacerbate this damage. A Court ordered SEIS on IOP recently stated: "The principal concern is that the habitat quality, and thus the carrying capacity of, WCA 3A is already seriously degraded." (Attachment A, IOP Draft SEIS excerpt at p. 69.) "Habitat quality in WCA 3A is changing progressively and dramatically to less desirable habitat in this area, and this conversion is rapid, with changes even after a year." (Id. at p. 69.) There is also very bad news for the endangered Snail Kite. The Draft SEIS states that, "The snail kite population in Florida progressively and dramatically decreased between 1999 and 2002." (Id. At 68.) "Since 2002, kite production in WCA 3A has dramatically dropped, having produced no kites in 2005." (Id. At 69.)

Despite the Corps acknowledging all the damage to WCA 3A being caused by the

increase in sustained high water of IOP, the Draft SEIS for the LORSS incredibly states that WCA 3A below I-75 will not be significantly affected by the proposed changes to the lake regulation schedule." (SEIS at pp. 1-2.) The Draft SEIS says this even though the modeling for 1bS2-M shows that this TSP will result in an additional 47 weeks of high water above the current IOP conditions in WCA 3A. Additionally, the Draft SEIS incorrectly states that there will be no significant differences in inundation for tree islands even though Table 5-8 shows that there will be more weeks of high water. (SEIS at p. 96 and figure 5.7.) Not only are the "impact conclusions" on WCA 3A and tree islands incorrect, they are contradicted by modeling of 1bS2-M on the Corps web site. (See, Attachment B.) The Tribe is perplexed how the Corps can admit the devastation in WCA 3A wrought by IOP, yet ignore the cumulative impacts that will be caused by IOP coupled with 1bS2-M for the LORSS, including the increased high water impacts on tree islands, and the endangered Snail Kite and its critical habitat. This is a classic example of arbitrary and capricious behavior by the Corps. While the Tribe has been told that the modeling for the LORSS is ongoing, and that new modeling will show the water going to Lake Worth via the L-8 canal, it is not likely that the L-8 has the capacity to handle this increase from 77,000 acre feet to 116, 000 acre feet. Thus, increased water would in all likelihood end up in WCA 3A. Additionally, modeling that continues to be a moving target is improper under NEPA. Any change in modeling results should be contained in another Draft SEIS document.

The LORSS Draft SEIS fails to mention the current alarming plight of the Snail Kite, which has suffered a 50% decline under the years of ISOP and IOP operations. The Draft IOP SEIS admitted that Dr. Wiley Kitchens believes that "this trend of lowered reproduction is a cause of concern regarding the sustainability of the [Snail Kite] population." (Id. at p. 68.) The Draft SEIS fails to analyze the combined impacts that IOP plus 1bS2-M (the preferred alternative for the LORSS) will have on the Snail Kite and its critical habitat in WCA 3A. The Tribe has attached the 2005 Snail Kite demography Annual Report prepared for the Fish and Wildlife Service (FWS), which states that researchers are very concerned about the alarmingly high water levels that have existed in WCA 3A. (Id. at p. 19 and Attachment C.) The SEIS must analyze the impacts that the increased weeks of sustained high water above IOP shown in the modeling for 1bS2-M will have on the critical habitat in WCA 3A and the Snail Kite.

A review of the cursory, and contradictory nature, of the Draft SEIS on the LORSS shows that it is woefully deficient and does not comply with the National Environmental Policy Act (NEPA), the Administrative Procedures Act (APA), the Endangered Species Act (ESA), and the Corps' Trust responsibility to the Tribe (including its responsibility to protect the Tribe's reservation and its leased lands in WCA-3A). The Draft SEIS appears to have been hastily put together, is contradictory in many instances, and does not contain the modeling results for WCA 3A within the document. Perhaps, that is because the modeling results for 1bS2-M do not support the inaccurate statements of "no harm" in the document. The Draft SEIS contains no hydrographs or stage duration curves for WCA 3A, nor does it analyze the impacts that the TSP will have on WCA 3A or the indicator regions 14 and 19 specified in the Incidental Take Statement for the Snail Kite under IOP. Indeed, the Draft SEIS should contain modeling results for all areas of the Everglades impacted by the TSP in the LORSS, so that the public can comment. Simply putting such results on a Corps web site does not meet the NEPA requirement

that the SEIS must be a full disclosure document. Directing people, some who may not even have a computer, to a complicated Corps web site is not sufficient under the statute.

In short, the Draft SEIS contains contradictions, errors, inaccurate statements, and misrepresentation of facts and data. It appears to be a perfect example of "first the verdict-then the trial." The Draft SEIS fails to meet the requirements of NEPA and other federal law. Since the Corps has not sought, nor obtained, any "emergency" authorization from the Council on Environmental Quality (CEQ), it must fully comply with NEPA prior to action. It also appears that the preferred alternative for the LORSS was devised and adopted "behind closed doors" by an advisory group that failed to comply with the Federal Advisory Committee Act (FACA), and that the group's recommendation is being rubber stamped in the Draft SEIS. (Draft SEIS at pp. 11 and 133.) Although, the Corps says it welcomes public comment, it appears the decision on a preferred alternative was made outside of the public process long ago and recommended to the Corps. In fact, Dennis Duke made a point at the public meeting of saying that this group, which included non-federal members, developed and recommended the TSP to the Corps.

## II. SPECIFIC COMMENTS ON THE DRAFT SEIS DOCUMENT AND PROCESS

## A. THERE WILL BE IMPACTS TO NATIVE AMERICAN RESOURCES.

The Tribe was especially disturbed by the unsupported statement in the Draft SEIS at Section 5.20 that, "There would be no impact to Native American resources." (Draft SEIS at p. 124.) This statement is directly contradicted by modeling of the preferred alternative for the LORSS on the Corps web site, which shows there will be an increase of 47 weeks of sustained high water on Tribal Everglades in WCA 3A, which has already been flooded by the high water conditions created by IOP. This increase in high water under the preferred alternative will increase tree island loss and further destroy the critical habitat of the Snail Kite in WCA 3A. It also continues to break the government's promise under the Indian Land Claims Settlement Act that this area would be preserved in its natural state in perpetuity for the benefit and use of the Tribe. The Tribe has been advised that new modeling will be conducted that shows this water going through the L-8 to Lake Worth. Yet, the L-8 does not appear to have the capacity for this excess water which, in all likelihood, will end up on Tribal lands in WCA 3A.

# B. THE WATER QUALITY ANALYSIS IS NON-EXISTENT IN THE DRAFT SEIS

The Draft SEIS states, not based on any analysis, that there will be only very minor adverse effects on water quality in the WCAs. This conclusions is based only on an STA constraint, and not on a water quality analysis that shows the quality of the increased releases that will be going to the WCAs and other areas as a result of the TSP lowering of Lake Okeechobee approximately one foot. The Corps SEIS should specifically identify the amount of phosphorus and other pollutants expected to be released to various destinations under any revised Lake Okeechobee regulation schedule, including any additional release of water containing phosphorus and other pollutants to the WCAs. This section should also include an analysis of the impact the increased releases will have on the Settlement Agreement requirements in Case No. 88-1886-Civ-Moreno in terms of both phosphorus concentrations and load.

The preferred alternative (1bS2-M) also appears to increase backpumping into Lake Okeechobee above current operations. The Tribe has already filed suit against the SFWMD for not having an National Pollutant Discharge Elimination System Permit ("NPDES) for its backpumping of pollutants into Lake Okeechobee from the S-2, S-3 and S-4 pumps. Lake Okeechobee phosphorus has increased dramatically over the past two years with 2005 reaching a record 950 metric tons. The increased backpumping caused by 1bS2-M without the required NPDES permits will exacerbate conditions in the Lake and add even more pollutants.

## C. THE DRAFT SEIS DOES NOT CONTAIN A BIOLOGICAL OPINION

The Draft SEIS should contain a biological opinion by the Fish and Wildlife Service (FWS) that analyzes, among other things, the combined impact that IOP and the preferred alternative for the LORSS will have on the endangered Snail Kite and its critical habitat in WCA 3A. The Tribe contends that the Corps is required to consult with FWS under Section 7 of the ESA on combined impacts that IOP and 1bS2-M (which shows 47 more weeks of sustained high water in Snail Kite critical habitat) will have. There is no such analysis in the Draft SEIS. A 2003 FWS Report on the Snail Kite Report shows there has been an alarming 50% decline in the Snail Kite population, and the 2005 Snail Kite report shows no young fledged out of WCA 3A that year. The Draft SEIS should have included a biological opinion that looks at the combined impact of IOP, and the increased weeks of sustained high water of the preferred alternative, will have on the Snail Kite and its critical habitat in WCA 3A but did not. (Attachment C at p. 10.)

As stated previously, the Draft SEIS on IOP admits: "The principal concern is that the habitat quality, and thus the carrying capacity of. WCA 3A is already seriously degraded," and that "Habitat quality in WCA 3A is changing progressively and dramatically to less desirable habitat in this area, and this conversion is rapid, with changes even after a year." (Attachment A. Draft SEIS at p. 69.) "The Snail Kite population in Florida progressively and dramatically decreased between 1999 and 2002." (Id. At 68.) "Since 2002, kite production in WCA 3A has dramatically dropped, having produced no kites in 2005." (Id. at p. 69.) It further admits that Dr. Wiley Kitchens believes that "this trend of lowered reproduction is a cause of concern regarding the sustainability of the population." (Id. at p. 68.)

In light of the current public heath and safety concerns about the Herbert Hoover Dike, it is imperative that the Corps to reinitiate consultation with FWS to reevaluate the closings of the S-12 gates under IOP. Renowned sparrow experts have recommended less environmentally destructive alternatives for sparrow subpopulation A, such as captive rearing, predator control and other localized actions that could replace draconian water management actions that are causing harm to the Everglades (including WCA-3A), Lake Okeechobee, and the estuaries. The data in the Draft SEIS on IOP shows that the both ISOP and IOP have not helped sub-population A of the sparrow. (Attachment A, Draft IOP SEIS at p. 66.) Like the Snail Kite, the western sub-population A has declined since 1999. Id. The population estimates show that sparrow sub-population fared quite well with the gates open in 1981 and in 1992 until Hurricane Andrew hit. Id. In fact, the sub-population A estimates show that the Corps' actions under ISOP and IOP have

actually resulted in a decline, which would be in keeping with Dr. Post and Greenlaw's warnings that the actions being taken for the sparrow are "simplistic." Id. In light of the public health and safety issues, the Corps should reinitiate consultation with FWS to reevaluate the closing of the S-12 gates, which if open could allow water to flow south, as part of the LORSS process.

### D. THE DRAFT SEIS FAILS TO COMPLY WITH NEPA

## 1. The Draft SEIS Rubber Stamps the "Tentatively Selected Plan."

The preferred alternative (1bS2-M) is the Tentatively Selected Plan (TSP) that an advisory group recommended to the federal agency (the Corps). The TSP was developed and screened in closed door meetings by a group that did not comply with the Federal Advisory Committee Act (FACA). A review of the Draft SEIS shows that the group reviewed information, including modeling results that are not in the document itself, and screened alternatives. The Draft SEIS contains no detailed analysis of modeling results for the WCAs, including hydrographs and stage duration curves(i.e. number of weeks high/low water depth exceeded) that show the impacts of the preferred alternative on WCA 3A. Nowhere in the Draft SEIS does it contain hydrographs of WCA 3A, and other areas of the Everglades, that show 1bS2-M compared to IOP in these areas. In short, the Draft SEIS is nothing more than a rubber stamp of a preordained decision that was developed in a process that was not public.

Sadly, the Corps failed to comply with its Trust responsibility to consult with the Tribe on a TSP that would adversely impact Tribal natural resources and its culture and way of life prior to rubber stamping it. For the past eight years, four of them under IOP, The Corps has taken actions that have caused irreversible destruction to Tribal Everglades and the Tribe's culture and way of life. Now, the Corps has utilized an advisory committee in the LORSS process that has recommended a TSP that will exacerbate the high water conditions in WCA 3A without holding the meetings required by FACA and without prior consultation with the Tribe.

### 2. The No Action Alternative Is Improper.

According to the Draft SEIS the No Action Alternative is the WSE but with temporary forward pumps that do not exist. (Draft SEIS at p. 14.) It is improper to use an alternative that does not currently exist as the No Action Alternative, rather than the WSE that currently does, as the No Action Alternative in the LORSS NEPA analysis. This is nonsensical and turns NEPA on its head. The No Action Alternative should be the last Water Control Plan and regulation schedule for Lake Okeechobee that has gone through the reviews required by law.

### 3. There Is No Analysis of Cumulative Impacts.

The Corps SEIS fails to contain a cumulative impact analysis that analyzes the combined impact that the past eight years of water management operations have had on WCA 3A and the human environment coupled with the future years of IOP and 1bS2-M for the LORSS. NEPA

requires that federal agencies consider "cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts" should be discussed in the same impact statement. 40 C.F.R. § 1508.25. In addition, 40 C.F.R. §1508.7 defines a "cumulative impact" as the "impact on the environment which results from the incremental impact of the action when added to other past, present and other reasonable foreseeable future action," and thus requires analysis. The Draft SEIS contains no such analysis. The Corps can not rely on a one paragraph non-analysis in the Draft SEIS at Section 5.22 that says that "cumulative impacts are likely to occur" but does not analyze what they would be. (SEIS at p. 125.) NEPA requires the Corps to assess the cumulative impacts of their past and present operations on the human environment.

### 4. There is No Health and Safety Analysis of High Water in WCA 3A.

The Draft SEIS for the LORSS contains no public health and safety analysis of how having no cap on how high the water can get in WCA 3A under IOP, coupled with the increased weeks of high water in WCA 3A under the TSP, will impact the Tribe. In the Draft and Final EA on the 1998 so-called emergency deviation for the sparrow, the Corps admitted that there are design integrity concerns for WCA 3A when water is high. (Attachment D.) While the Corps has properly expressed concern about the integrity of the dike surrounding Lake Okeechobee and high water conditions, it has not expressed any concern, nor analyzed, the impact that the increase in weeks of high water in WCA 3A under 1bS2-M could have on the members of the Miccosukee Tribe who live in the area of the WCA 3A levee. Page C-7 of the 1998 Final EA frankly discussed options and the impact that the continued closing of the gates and the backing up of water could have on both Lake Okeechobee and the WCAs:

[t]he continued deviation from established water regulation schedules in order to minimize discharges south would increasingly tax the operation and capability of the system, especially for the upcoming wet season. Target elevations for the beginning of the wet season would probably be exceeded, even further reducing the system's ability to respond to events: There is an issue of increased risk to human safety due to high water levels in both Lake Okeechobee and the WCAs. Higher water levels during the wet season reduce the flood control capacity of the system.

The 1998 Draft EA also states, under section 4.06, the consequences of extending the emergency that:

Observations of the 1994-95 high water events have shown that if high water levels are maintained through the dry season, then water levels in WCA-3A remain excessively high during the following season, thereby reducing the overall storage capacity of the WCAs. Not only would this situation have exacerbated recent damage to the native upland communities in WCA-3A, but it could have also set the stage for reenactment of the current emergency next year.

The Draft SEIS for the LORSS fails to address the issue of whether the resulting

reduction in storage in the WCAs under IOP has exacerbated the impacts that hurricanes and storms have had, and will continue to have, on Lake Okeechobee. Nor does it contain a modeling analysis that shows the high water impacts on the WCAs, Lake Okeechobee, and the St. Lucie and Caloosahatchee estuaries, as required under NEPA. The Tribe urges the Corps to address this health and safety issue, as the safety of Tribal members has been threatened in the past when Hurricane Michelle threatened and the closed S-12 structures were threatening to overflow.

## 5. There Are No Modeling Results That Show Impacts on WCA 3A.

The modeling for the preferred alternative (1bS2-M) that was posted on the Corps web site shows 47 more weeks of sustained high water in WCA 3A over IOP under the TSP. (Attachment B.) Yet, the Draft SEIS contains no modeling results for WCA 3A and the other areas of the Everglades for the public to review. No hydrographs for WCA 3A are contained in the Draft SEIS that compares the number of high water weeks under IOP(439) with that under 1bS2-M (486). Id. It is improper under NEPA to not put these modeling results in the Draft SEIS, so that the increase in weeks of sustained high water in WCA 3A can be readily observed. The Draft SEIS should contain model comparisons between IOP, 1bS2-M, and the Natural Systems Model (NSM), so that the public can comment on the differences.

The statement in the Draft SEIS that "although the number of weeks varies, "none of these differences is significant" is not supported by the modeling or science. The IOP SEIS states that one of the "most significant causes of habitat degradation in WCA 3A are flood damage to tree islands in the northeastern and southwestern part of the WCA." (Attachment A at p. 61.) The TSP will increase the number of weeks of high water in an already drowning WCA 3A. 9. The modeling shows that the high water conditions in WCA 3A will be exacerbated, along with the impacts on tree islands and the endangered Snail Kite's critical habitat.

## 6. The Impact on the Endangered Snail Kite Is Not Adequately Addressed.

Dr. Wiley Kitchens has stated that the sustainability of the Snail Kite population is threatened. (Attachment A at 68-69; See also Snail Kite 2005 Report at Attachment C.) Despite acknowledging the alarming decline in the Snail Kite population and its critical habitat in WCA 3A under IOP, the Draft SEIS on Lake Okeechobee fails to contain an adequate analysis of the impacts of the TSP (1bS2-M) on the Snail Kite and its critical habitat in WCA-3A, as required under both NEPA and the ESA. It should also contain a biological opinion using the modeling of 1bS2-M, as required under the ESA. The Draft SEIS should also contain a baseline study, and a cumulative impacts analysis that analyzes the impacts that the eight years of water management actions for the sparrow coupled with the LORSS preferred alternative will have on the Snail Kite and its critical habitat in WCA 3A. There is also no analysis of whether the increase in the number of weeks of high water conditions that 1bS2-M will cause in WCA 3A will meet the non-discretionary terms and conditions of the FWS Incidental Take Statement ("ITS") on IOP. The Draft SEIS contains no hydrological modeling results for how the TSP will effect Indicator Regions 14 and 19, which are required to be monitored for the Snail Kite under the ITS on IOP.

The attached hydrological graph of WCA 3A for 2005, shows that water there was alarmingly high in the year that no young Snail Kites fledged out of WCA 3A. (Attachment E.) The modeling results for WCA 3A under 1bS2-M that were on the Corps web site show that there will be 47 more weeks of sustained high water there. (Attachment B.) Yet, the Draft SEIS contains no analysis that this increase in weeks of sustained high water will have on the Snail Kite in WCA 3A. The Corps also ignores that Snail Kite researchers are concerned about the alarmingly high water levels in WCA 3A. (Attachment C at p. 19.) It is the Corps' responsibility to see that the TSP for the LORSS complies with the ESA.

The Corps can no longer evade the fact that sustained high water in WCA 3A has caused, and will continue to cause, adverse impacts to the Snail Kite and its designated critical habitat on Tribal Everglades in WCA 3A. As stated previously, the Corps own Draft IOP SEIS admits, The principal concern is that the habitat quality, and thus the carrying capacity of. WCA 3A is already seriously degraded." (Attachment A, Draft SEIS at p. 69.) Habitat quality in WCA 3A is changing progressively and dramatically to less desirable habitat in this area, and this conversion is rapid, with changes even after a year." (Id. at p. 69.) "The snail kite population in Florida progressively and dramatically decreased between 1999 and 2002." (Id. at p. 68.) "Since 2002, kite production in WCA 3A has dramatically dropped, having produced no kites in 2005." (Id. at p. 69.) Indeed, the Draft SEIS admits that Dr. Wiley Kitchens believes that "this trend of lowered reproduction is a cause of concern regarding the sustainability of the population." (Id. at p. 68.) (See also, 2005 Snail Kite Report at Attachment C.)

The 2005 Snail Kite Report is proof that IOP has caused an alarming decline in the Snail Kite population and has devastated its critical habitat in WCA 3A. There is every reason to believe that the additional 47 weeks of sustained high water under 1bS2-M will result in jeopardy to the Snail Kite and adverse modification to its critical habitat. (Attachment C.) The Corps is required to include the hydrological modeling results for WCA 3A in the LORSS Draft SEIS under NEPA. The Corps has the duty to abide by the ESA. The Corps must ask FWS to reinitiate Section 7 consultation on the cumulative impacts that IOP and the preferred alternative for the LORSS will have on the Snail Kite and its critical habitat in WCA 3A, as well as other endangered species. The Corps must also conduct a review of whether the preferred alternative will comply with the Incidental Take Statement on the Snail Kite in the SEIS, including through modeling results that analyze the indicator regions 14 and 19.

## 7. The Draft SEIS Fails to Take the "Hard Look" Required by NEPA.

The disparity between the modeling results and the statements in the Draft SEIS on the impacts on WCA 3A is evidence that the requisite "hard look" required by NEPA has not been taken, at least on WCA 3A. It is clear that the Draft SEIS requires further information. The Tribe has demonstrated that there is ample evidence in the record that harm to WCA 3A has occurred under IOP and will be exacerbated by the preferred alternative. The Corps must take the "hard look" required under NEPA of the harm that the TSP (1bBS2-M) will cause. This same failure to take a "hard look" at harm also applies to the St. Lucie and Caloosahatchee River estuaries, and Lake Okeechobee itself, which have, and will, continue to suffer adverse impacts

because of IOP, and which will be exacerbated under the preferred alternative.

# 8. The Draft SEIS Must Meaningfully Analyze Flooding Impacts.

The Draft SEIS fails to adequately analyze the adverse impacts that increasing the releases to other areas under 1bS2-M will have on flood risk. The Draft SEIS should include stage hydrographs for cells in the urban and agricultural areas for the modeling period that shows ground elevations and stage duration curves, so the public can determine whether the preferred alternative in the LORSS will increases the flood risk in any other areas.

## 9. The Draft SEIS Must Fully Divulge Impacts on Water Supply.

The preferred alternative in the LORSS (1bS2-M and/or TSP) will allow water to reach one foot lower than level reached for WSE that was modeled over the 36 year period of record. This would greatly increase the possibility of a water shortage. In 2001, after a manmade draw down, Lake Okeechobee reached a record low of 8.99 feet. There was a severe water shortage that resulted in serious socioeconomic consequences that cost over \$10 million dollars and could have been even more catastrophic if it had not rained. The Draft SEIS must fully and clearly divulge the increased risk of water shortages and discuss the socioeconomic and potential consequences to millions of people that could be affected. The Corps must also take full responsibility for any water shortages that occur.

# 10. The Draft SEIS Fails to Conduct an Analysis of All Reasonable Alternatives.

The Draft SEIS fails to analyze other reasonable alternatives that would protect the health and safety of the people living around the Herbert Hoover Dike with less impact on the Everglades and the Miccosukee Tribe. The only alternatives analyzed in the Draft SEIS are variations of the WSE. This alternatives analysis is totally inadequate under NEPA. Since the Lake Regulation Schedule is being modified to prevent a lake level that only occurs about 2% of the time over a 36 year period of record, the Corps should analyze alternatives that help move more water south and out of the system. For example, the Corps should analyze alternatives that include the cleaning out and opening of the massive S-12 gates to allow more water to flow south. The S-12 A, B and C gates have been closed nine months out of the year for more than eight years now allegedly to help subpopulation A of the sparrow, but have not helped. The Corps should discuss implementing the less environmentally destructive alternatives to the closing of the S-12 gates with FWS that were recommended by sparrow experts Dr. Will Post and Dr. Jon Greenlaw: such as captive rearing, predator control and other localized actions to replace the gate closings under IOP. (Attachment F.) The Draft SEIS should also analyze an alternative that involves the immediate completion of the Modified Water Deliveries Project. which as Dennis Duke stated at the public meeting would allow a heck of a lot of water to go south. Any alternatives should also address evacuation. The Tribe implores the Corps to explore these, and any other alternatives, that would lessen the destruction of Tribal Everglades and other areas that would be exacerbated by 1bS2-M delivering an increase of 11% a year of water.

#### 11. The Draft SEIS Fails to Disclose the Costs of the Alternatives.

The Draft SEIS contains no cost estimate for the forward pumps and all other components of the TSP (1bS2-M.) This cost information must be provided under the full disclosure and cost benefit analysis requirements of NEPA.

### 12. There is an Irreversible and Irretrievable Commitment of Resources.

Section 5.2.3 of the Draft SEIS incorrectly concludes that since there is no proposed construction, will be no irreversible and irretrievable commitment of resource. This is short-sighted and incorrect. The increase in the number of weeks of sustained high water conditions in WCA 3A under 1bS2-M would cause destruction of tree islands that would be irreversible and irretrievable. There could also be an irreversible and irretrievable loss of resources in other parts of the environment. The increased number of weeks of high water would also cause a further decline of the Tribal Everglades in WCA 3A and to the endangered Snail Kite, as well as incalculable harm to the culture and way of life to the Miccosukee Tribe.

### 13. The Draft SEIS Fails to Adequately Analyze Water Quality Impacts.

As stated in Section A, the Draft SEIS fails to adequately analyze the impact that the preferred alternative would have on water quality both in WCA 3A and other areas of the Everglades and Everglades National Park, including whether these releases would comply with the Settlement Agreement requirements in the Everglades case before Judge Moreno.

### E. THE CORPS MUST COMPLY WITH THE APA AND ITS REGULATIONS

Any change to the Regulation Schedule for Lake Okeechobee constitutes an amendment to the rules and regulations for the operation of the Central and Southern Florida Project (C&SF). This amendment of rules and regulations requires that the Corps comply with the required rulemaking procedures, including notice and the opportunity to be heard, pursuant to APA. The Draft SEIS does not state that the Corps plans to comply with the rulemaking requirements of the APA. Additionally, the Tribe objects to the Non-Typical Operations (NTO) defined in the Draft SEIS. The Tribe contends that the Corps is improperly using these NTO to side step regulations that require the Corps in Jacksonville to seek permission from higher levels for deviations from the regulation schedule that also require NEPA compliance.

### F. DRAFT SEIS DOES NOT COMPLY WITH THE ESA

### 1. Draft SEIS Fails to Analyze Cumulative Impacts on Endangered Species:

The Draft SEIS fails to comply with the Endangered Species Act (ESA), because it does not adequately analyze the cumulative impacts of past, present, and future operational plans on the Snail Kite and other endangered species. The Draft SEIS does not analyze the cumulative

impacts that past water management actions (including ISOP and IOP) coupled with the preferred alternative 1bS2-M in the LORSS will have on the Wood Stork, Snail Kite and its critical habitat, and other endangered species. There is no biological opinion included in the Draft SEIS. Thus, there is absolutely no support for the statement in the Draft SEIS that the preferred alternative would be beneficial to the Snail Kite. (Draft SEIS at p. 99.) This is especially true since the Corps failed to conduct any analysis of the impact that the increase in weeks of high water under 1bS2-M would have on the Snail Kite designated critical habitat in WCA 3A. As stated earlier, the Draft SEIS on IOP shows it has caused alarmingly high water levels in WCA 3A that has resulted in a 50% decline in the endangered Snail Kite population and degraded and modified its critical habitat there. (Attachment A at 69 and Attachment C at p. 19.) The fact that the Corps has never shown that the terms and conditions of the Incidental Take Statement for the Snail Kite are being met under IOP, and that 1bS2-M increases high water conditions in southern WCA 3A, could jeopardize its very existence. NEPA and the ESA requires the Corps to construct an environmental baseline and an analysis on cumulative impacts.

### 2. The Draft SEIS Does Not Contain a FWS Biological Opinion.

The ESA requires that biological opinions be prepared as part of the interagency consultation process to analyze whether proposed actions are likely to jeopardize the continued existence of endangered species. The Corps should reinitiate consultation with FWS on the preferred alternative (1bS2-M) immediately, and issue a new Draft SEIS that contains a biological opinion that analyzes the impact of the TSP on all endangered species. The Biological Opinion should discusses whether the Corps can meet the terms and conditions for the Snail Kite contained in the Incidental Take Statement ("ITS") on IOP under the increased weeks of sustained high water of 1bS2-M, and contain modeling results for indicator regions 14 and 19.

# G. THE CORPS MUST COMPLY WITH THE INDIAN TRUST DOCTRINE

The Corps owes the Miccosukee Tribe of Indians a Trust obligation and fiduciary duty to protect Tribal lands, resources, and assets pursuant to the federal Indian Trust Doctrine. This Trust obligation and fiduciary responsibility under the Indian Trust Doctrine extends protection to Tribal lands, resources and assets recognized in the Florida Indian Land Claims Settlement Act, P.L. 97339. This law established a federal Miccosukee Indian Reservation and a perpetual lease in the area of the Everglades which will be adversely impacted by the preferred alternative in the LORSS. As shown in the IOP Draft SEIS (Attachment A), Tribal lands within WCA-3A are already being degraded and destroyed by the Corps' IOP. Despite the Corps acknowledging the devastating impact that these water management actions have had on Tribal lands in WCA 3A, it failed to conduct meaningful pre-decisional consultation with the Tribe prior to issuing a Draft SEIS for the LORSS that contained a TSP that will increase the number of weeks of sustained high water in WCA 3A forty-seven weeks over the already devastating IOP. The Corps has a Trust duty to see if an alternative exists that does not exacerbate the destruction of Tribal Everglades in WCA 3A, vital to the culture and way of life of the Tribe. In light of the fact that hurricane season is drawing to a close, the Tribe asks the Corps to take some additional time to correct the deficiencies in its Draft SEIS for the LORSS and to evaluate other reasonable

alternatives that will protect Lake Okeechobee, and the people living around it, without increasing environmental harm and risk to the Miccosukee Tribe. Those alternatives examined should include, reevaluation of the current closing of the S-12 gates, the opening of which would alleviate high water conditions in WCA 3A, the Lake, and the estuaries; and the immediate completion and implementation of the Modified Water Deliveries Project that would be beneficial to all parts of the South Florida ecosystem.

#### CONCLUSION

The Corps' Draft SEIS for the LORSS, as currently written, fails to comply with NEPA, the ESA, the APA, and the Indian Trust Doctrine. The Corps' Draft SEIS, among other things, contains a preordained decision and does not divulge all the modeling results in the document. Nor does the Draft SEIS contain the required analysis of the preferred alternative's impact on the endangered Snail Kite and its critical habitat in WCA 3A. For more than eight years, the Corps' draconian water management actions (including IOP) have caused high water conditions that have devastated Tribal Everglades and harmed the Snail Kite and its critical habitat there. The impact on the Tribe's entire culture and way of life has been incalculable. Not just Tribal lands, but Lake Okeechobee and the estuaries have suffered as well, from the closing of the S-12 A, B and C gates for nine moths of the year. The opening and cleaning out of these massive structures would allow more water to flow south and should be reevaluated in light of the public health and safety risk as part of the LORSS.

The Corps has a Trust responsibility to the Miccosukee Tribe to protect Tribal lands from further destruction under the LORSS and to mitigate the harm. It also has a duty under the ESA to stop the downward spiral of the endangered Snail Kite. The Corps must take immediate steps to analyze other reasonable alternatives; issue an SEIS that fully complies with NEPA and other federal law; and implement the Modified Water Deliveries Project without delay. The Corps' failure to complete the Modified Water Deliveries Project has resulted in environmentally barmful plans, such as the IOP and the WSE. The expeditious implementation of this Pre-CERP project would establish more natural flows of water through the Everglades and help alleviate the high water conditions in the Everglades and Lake Okeechobee, and reduce damaging releases to the estuaries. Should the Corps demonstrate that it is necessary to lower the Lake by a foot for the health and safety of the people living around the Lake, a NEPA full disclosure document still requires the Corps to divulge all the impacts and to consider all reasonable alternatives that would mitigate the harm to other areas. Any alternative selected should also ensure the protection of the health and safety of Tribal members, as well, from high water conditions in WCA 3A. It is time that the closing of the massive S-12 gates that stacks up water in the Everglades and Lake Okeechobee, and causes damaging releases to the estuaries, comes to an end.

Sincerely,

Dexter W. Lehtinen, Esq.



# Department of Environmental Protection

RECEIVED

Jeb Bush Governor Marjory Stoneman Douglas Building 3900 Commonwealth Boulevard Tallahassee, Florida 32399-3000

Colleen M. Castille Secretary

October 16, 2006

Mr. Stuart J. Appelbaum, Chief Planning Division, Jacksonville District U.S. Army Corps of Engineers Post Office Box 4970 Jacksonville, FL 32232-0019

RE: Department of the Army, Jacksonville District Corps of Engineers - Draft Supplemental Environmental Impact Statement for the Lake Okeechobee Regulation Schedule Study - Central and Southern Florida Flood Control Project Area, SAI # FL200608112709C

Dear Mr. Appelbaum:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 95-359, the Coastal Zone Management Act, 16, U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4231, 4331-4335, 4341-4347, as amended, has coordinated a review of the referenced Draft Supplemental Environmental Impact Statement (SEIS).

The South Florida Water Management District (SFWMD) has provided extensive comments regarding the "Tentatively Selected Plan" for the Lake Okeechobee Regulation Schedule. SFWMD staff advises that the agency's remaining concerns involve: the clarity of operations described in the draft Water Control Plan, specifically, the "Non-Typical Operations" provisions; preservation of periodic, managed recessions in the revised schedule; ideas to reduce the number of high discharge months; characterization of base flows to the Caloosahatchee Estuary; potential for water supply impacts and minimum flows and levels violations resulting from low lake operations; etc. Please refer to the enclosed SFWMD letter and associated attachments for further details.

The Florida Department of Environmental Protection (DEP) offers a number of suggestions concerning: the provision of day to day operational guidance to reduce adverse water quality tradeoffs; maximum and minimum flows to the Caloosahatchee Estuary; sufficient flexibility to eliminate the need for "temporary deviations" from the regulation schedule; additional modeling to improve essential fish habitat in the Caloosahatchee Estuary; etc. Please address the items outlined in detail in the enclosed DEP memorandum.

Mr. Stuart J. Appelbaum October 16, 2006 Page 2 of 2

The Florida Department of Agriculture and Consumer Services (FDACS) has expressed concerns regarding the impact of the proposed regulation schedule on water supply availability and the uncertainty surrounding future related actions by the SFWMD should that schedule be adopted. The SFWMD's ability to operate forward pumps and implement a supply-side management schedule that offsets any water supply shortages related to lower lake levels is of primary concern. The potential for more frequent minimum flows and levels (MFL) violations may also necessitate a MFL recovery plan, which could result in future water supply shortages for agricultural uses. Please refer to the enclosed FDACS letter for additional information.

Based on the information contained in the Draft SEIS and the enclosed state agency comments, the state has determined that, at this stage, the proposed activities are consistent with the Florida Coastal Management Program (FCMP). The concerns identified by the reviewing agencies must be addressed prior to project implementation. The state's continued concurrence with the project will be based, in part, on the adequate resolution of issues identified during this and subsequent reviews. The state's final review of the project's consistency with the FCMP will be conducted during the environmental permitting stage.

Thank you for the opportunity to review the proposed project. If you have any questions regarding this letter, please contact Mr. Christopher J. Stahl at (850) 245-2169.

Sincerely,

Sally B. Mann, Director

Office of Intergovernmental Programs

Jally 43. Mann

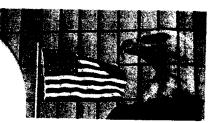
SBM/cjs Enclosures

cc: John Outland, DEP, MS 45
Greg Knecht, DEP, MS 3560
Tim Gray, DEP, Southeast District
Jim Golden, SFWMD

Forrest Watson, FDACS
Ray Scott, FDACS



# Florida Department of Environmental Protection



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Project Info	mation
Project:	FL200608112709C
Comments Due:	09/12/2006
Letter Due:	10/16/2006
Description:	DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE LAKE OKEECHOBEE REGULATION SCHEDULE STUDY - CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL PROJECT AREA, FLORIDA.
Keywords:	ACOE - DSEIS, LAKE OKEECHOBEE REGULATION SCHEDULE STUDY
CFDA #:	12.106
Agency Comm	

### Agency Comments:

### AGRICULTURE - FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The FDACS has expressed concerns regarding the impact of the proposed regulation schedule on water supply availability and the uncertainty surrounding future related actions by the South Florida Water Management District (SFWMD) should that schedule be adopted. The SFWMD's ability to operate forward pumps and implement a supply-side management schedule that offsets any water supply shortages related to lower lake levels is of primary concern. The potential for more frequent minimum flows and levels (MFL) violations may also necessitate a MFL recovery plan, which could result in future water supply shortages for agricultural uses. Please refer to the enclosed FDACS comments for further details.

### COMMUNITY AFFAIRS - FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

### FISH and WILDLIFE COMMISSION - FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

No Comment per Joe Walsh on 10/13/2006.

### STATE - FLORIDA DEPARTMENT OF STATE

No Comment/Consistent

### TRANSPORTATION - FLORIDA DEPARTMENT OF TRANSPORTATION

### ENVIRONMENTAL PROTECTION - FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

The DEP offers a number of suggestions concerning: the provision of day to day operational guidance to reduce adverse water quality tradeoffs; maximum and minimum flows to the Caloosahatchee Estuary; sufficient flexibility to eliminate the need for "temporary deviations" from the regulation schedule; additional modeling to improve essential fish habitat in the Caloosahatchee Estuary; etc. Please address the items outlined in detail in the enclosed DEP memorandum.

### SOUTH FLORIDA WMD - SOUTH FLORIDA WATER MANAGEMENT DISTRICT

The SFWMD has provided extensive comments regarding the "Tentatively Selected Plan" for the Lake Okeechobee Regulation Schedule. SFWMD staff advises that the agency's remaining concerns involve: the clarity of operations described in the draft Water Control Plan, specifically, the "Non-Typical Operations" provisions; preservation of periodic, managed recessions in the revised schedule; ideas to reduce the number of high discharge months; characterizing base flows to the Caloosahatchee Estuary; potential for water supply impacts and minimum flows and levels violations resulting from low lake operations; etc. Please see the enclosed SFWMD letter and associated attachments for further information.

For more information please contact the Clearinghouse Office at:

3900 COMMONWEALTH BOULEVARD MS-47 TALLAHASSEE, FLORIDA 32399-3000 TELEPHONE: (850) 245-2161 FAX: (850) 245-2190



### SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Florida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574 Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

October 12, 2006

Colonel Paul L. Grosskruger
Commander and District Engineer
United States Army Corps of Engineers
Jacksonville District Post Office Box 4970
Jacksonville, FL 32232-0019

### Dear Colonel Grosskruger:

Thank you for the opportunity to comment on the draft Supplemental Environmental Impact Study (SEIS), including the "Tentatively Selected Plan," (TSP) for the Lake Okeechobee Regulation Schedule Study (LORSS). It is our intent to provide comments to identify issues of concern to the South Florida Water Management District (District), provide technical information for incorporation in the United States Army Corps of Engineers (USACE) Final SEIS document, and improve upon the performance of the Lake Regulation Schedule for the benefit of the Lake and estuaries.

The presentations conducted by USACE staff at the August 3rd and September 7th Lake Okeechobee Water Resources Advisory Committee (WRAC) meetings and at the September 12<sup>th</sup> District Governing Board meeting, have been very helpful to the stakeholders and the Governing Board. They have been instrumental in helping the District's policy setting Governing Board formulate its position on the multitude of issues embedded within this proposed Lake Regulation Schedule.

Please keep in mind that while the following is a summary of the District's concerns, it has become apparent to us that the USACE has begun to address many of these issues. Accordingly, we anticipate that the results will be reflected in a Final SEIS that satisfies all legal requirements and provides a solid foundation for the USACE's final decision on the Interim Regulation Schedule:

### • Tentatively Selected Plan:

o General Operations: Our previously transmitted concerns regarding the clarity of operations as described in the draft Water Control Plan (WCP) remain a concern. We are encouraged that the USACE and District operations staffs met to work through previously identified concerns with the TSP and the draft WCP. This effort succeeded in providing a greater appreciation and understanding of the complex issues associated with the daily operations of managing a flexible water management system. It has also provided helpful perspectives concerning the duties of the USACE and the District in balancing all the individual components and factors addressed in the Draft SEIS. It is critical that this team continue to meet on a regular basis, and District operations staff remains ready to assist with review of the second draft of the WCP.

- o Non-Typical Operations Concern: The District's primary operational concern with the TSP centers upon the "Non-Typical Operations" (NTOs) provisions. While the District supports the USACE's attempt to provide flexibility in Lake operations, the NTO provisions of the proposed WCP are confusing. As we understand it, typical operations are based on Alternatives 1bS2-m, while NTOs are based on Alternatives 2a and 2a-m. The document identifies Alternative 1bS2-m as the TSP, but doesn't adequately clarify that NTOs and hence Alternatives 2a and 2a-m are also part of the TSP. The operational criteria defining when to switch to NTOs operations were not analyzed as a part of the TSP alternative; therefore, it is difficult to predict Lake operations and their corresponding effect on the various performance measures. The Final SEIS should detail the proposed action and its expected performance. Specifically, the Final SEIS description of the proposed regulation schedule and the WCP should remove all references to Alternative 2A and 2A-m. Those alternatives have unacceptable performance for the estuaries and water supply and were not endorsed by the PDT. We acknowledge that the USACE has mentioned in various public meetings its intent to remove the NTOs from the TSP.
- o Managed Recession Concern: While the District concurs with the USACE's proposed decision to remove NTOs from the TSP, it is critical to preserve the ability to incorporate periodic, managed recessions into the revised schedule. Therefore, we have modified our original documentation of the Managed Recession contained in the Draft SEIS as Attachment F and ask that the USACE include it in the Final SEIS. (This modified document is included as our Enclosure A.)
- o High Wet Season Discharges Concerns:
  - Current modeling of the TSP indicates that the number of high discharge months (> 4500cfs) to the Caloosahatchee estuary is likely to increase. Such flows adversely impact marine areas that do not normally experience the low salinity that accompanies these discharges. We encourage the USACE to continue to test ideas designed to reduce the number of high discharge months.
  - To reduce the additive impacts of regulatory releases from the Lake at S-77 and high runoff from the C-43 basin on the Caloosahatchee Estuary, District staff tested and proposes an idea for further evaluation. The idea is to measure pulse releases at the coastal structure S-79 rather than at the point of release from the Lake, S-77. Screening model results indicate this idea helps reduce the number of exceedences of high flows greater than 4500 cfs at S-79. This approach has precedence as regulatory pulse releases to the St. Lucie Estuary are measured at the coastal structure. District staff has tested many other ideas to improve TSP performance and will continue to provide input to the USACE.
- Base Flow Characterization: Please clarify the nature of the base flows to the Caloosahatchee Estuary. It is the District's understanding that these flows are provided as low-level releases for the integrity of the Dike system and flood control. They are not provided for environmental water supply purposes.

### Low Lake Operations - Water Supply Impacts and Projected MFL Violations

- o Lake Okeechobee Water Shortage Management Plan: The District is pleased to include with these comments the Draft Lake Okeechobee Water Shortage Management (LOWSM) Plan (Enclosure B, with an electronic version forwarded to Yvonne Haberer and Pete Milam via email). The LOWSM Plan will replace the former Supply Side Management (SSM) Plan and the surrogate lowering of the trigger line by one foot in the TSP. Please remove any references to the previous SSM Plan and replace these references with the LOWSM Plan, while noting that the assumptions made in the Draft SEIS concerning the replacement of the SSM Plan have been validated by the contents of the LOWSM Plan. The LOWSM Plan, although not yet formally adopted by the SFWMD Governing Board, has been discussed extensively. It received support at both the September WRAC and Governing Board meetings. Since it is currently the USACE's intent to improve upon the TSP, we respectfully request the inclusion of the LOWSM model revisions into the next set of sensitivity run assumptions addressing estuary performance measures improvements. Based on modeling conducted to develop the LOWSM Plan, it is anticipated that, as a result of the LOWSM Plan and the use of temporary forward pumps, water supply concerns raised in conjunction with the TSP and lower Lake levels will be adequately addressed without deleterious effects to other performance measures.
- o Lake Schedule Produces Lower Stages Which Require Forward Pumps: The USACE's Final SEIS should clarify several considerations associated with low Lake operations. The District's main function during drought conditions is to equitably apportion available Lake water among all users. Water is delivered from the Lake for many purposes during drought conditions including releases to meet the restricted demands of permitted users, to help prevent salt water intrusion in aquifers on both coasts, to supplement water deliveries from the WCAs, and to address various environmental water supply needs such as Everglades fire protection. The draft SEIS made several references to the District's operation of the Lake at low levels; the role of the District should be clarified in light of the above. As a related matter, the District, in an effort to address water supply concerns associated with the TSP and to help the USACE move forward with the Lake schedule modification, accepts the resulting responsibility of installing forward pumps as a mechanism to ameliorate impacts of the lower Lake schedule on existing legal users. The Final SEIS should note that the LOWSM operations were designed to 'match' the water level and water supply performance of the USACE's proposed Lake schedule. Therefore, the delivery of water supply to the Lake Okeechobee Service Area via LOWSM will not cause the Lake levels to decline below levels contemplated in the Lake Regulation Schedule.
- Lake Schedule Produces Lower Stages which Reduce Operating Capability of Lake Inflow Structures: The experience of the 2000-2001 drought showed that low Lake stages also affect the capability to hold normal stages upstream of S-65E, S-84, S-191, S-71, and S-72. Maximum head criteria may need to be reevaluated by the USACE. The current criteria limits the head across the structures and thus releases must be made to preserve the maximum head. Such releases lower the headwater stages and reduce the water supply capability of the system.

- o Water Availability Impacts: The Draft SEIS does not appear to adequately address certain issues regarding reduction of backup water supplies given the overall lower Lake level caused by the proposed Lake Regulation Schedule. For example, it assumes forward pumps will be effective in addressing water supply (for users and environmental interests) issues during drought conditions. The Final SEIS should provide more detail on issues associated with reliance on the forward pumps such as: evaporation losses, conveyance limitations, and Lake ecology impacts. The District suggests that the Final SEIS expressly recognize that less water, as a whole, will be available to meet demands during the dry season and should also identify the associated implications of this situation.
- o Proposed MFL Violation Recovery Plan: The USACE's proposed Lake Regulation Schedule is projected to result in Lake levels that will violate the District's Lake Okeechobee minimum flows and levels (MFL). (See Chapter 40E-8, Florida Administrative Code) In response to the anticipated low Lake levels that are likely to generate Minimum Flows and Levels (MFL) violations, the District is preparing an MFL Recovery Plan that will be incorporated into the Lower East Coast Regional Water Supply Plan (LECRWSP). This document will address Lake restoration efforts that the District will implement when Lake levels exceed or violate the MFL. Since these lower Lake levels can provide opportunities to conduct restoration efforts during low water periods that otherwise would not be possible. These periods will allow the District to conduct native aquatic and tree planting, sediment scraping, dredging, and other habitat enhancements, which may include the possible supplementation of apple snail populations
- Maximum Lake Level Constraint: As all participants in this process acknowledge using a project constraint of 17.25' NGVD, as the maximum Lake Okeechobee water level, means more water must be discharged to the estuaries. Because of the continued concerns regarding the imposition of the 17.25' maximum Lake level, we respectfully request that this constraint be revisited in the Final SEIS to ensure that this decision reflects the best judgment and expertise of the USACE on this important public safety question.

### Endangered Species

- Temporary Pumps and LORSS: The District is pleased that the U.S. Fish & Wildlife Service (FWS) will include an assessment of the District's temporary forward pump operations in its Biological Opinion for this proposed action. The inclusion of temporary forward pumps in the Biological Opinion should simply reflect the fact that the use of these pumps is simply a 'tool' that will be used to provide a similar water supply capability at low Lake stages caused by implementation of a lower Lake Regulation Schedule.
- o Permanent Forward Pumps and FWS Timeline: Unfortunately, timing is such that the District will need to make decisions about its plan to purchase and install permanent forward pumps while there remains the possibility of a jeopardy opinion issued by the FWS on the snail kite. The potential that a jeopardy opinion could prohibit operation of the forward pumps when the Lake reaches 10.2 NGVD is of grave concern to the District for financial and programmatic reasons. Until the FWS issues its Biological Opinion on the LORSS, the District believes that similar

concerns should apply to the operation of the temporary forward pumps. The Final SEIS should make clear that the forward pumps and LOWSM are the integral tools needed to meet the water supply demands of environmental, agricultural, urban, and tribal interests within the new Lake Regulation Schedule.

### • Temporary Deviations in Related Areas of the C & SF System:

During the 2000 – 2001 drought the USACE authorized temporary deviations from the Water Control Plans for the Water Conservation Areas and Lake Istokpoga. These authorizations proved to be important, alternative mechanisms to complement managing the limited volumes of water available in Lake Okeechobee. For example, using the temporary deviation from the Lake Istokpoga regulation schedule enabled Lake restoration efforts to occur at a time when the Lake was naturally low; moreover, Lake water releases to produce the restoration were provided at a fortuitous time for users in need of water supply. Given this experience, the District encourages the USACE to recognize in the Final SEIS the opportunities to accomplish multiple C & SF system objectives by strategically authorizing temporary deviations in other water bodies during droughts. Such a System-wide perspective can result in optimum management of the resource.

### Herbert Hoover Dike Integrity:

o The District continues to support the USACE's efforts to repair and rehabilitate the Dike and encourages the USACE to expeditiously accelerate completion of this work.

### Seminole Tribe Concerns;

o The Draft SEIS concludes there will be no impact to Native American resources. Because the Seminole Tribe of Florida depends on Lake Okeechobee water supply at two of their reservations - the Brighton and Big Cypress Seminole Indian Reservations, additional discussion of this subject in the Final SEIS is warranted and should include the following information. Analysis of the USACE's proposed Lake Okeechobee Regulation Schedule shows it will reduce the Lake's stages to below 10 feet NGVD on a more frequent basis. Clearly, these Lake stages are a concern for both the Brighton and Big Cypress Reservations since both Reservations rely on the Lake, in part, for water supply and it is difficult to convey water out of the Lake below this level. District and USACE staff recently met with Tribal representatives to discuss proposed short- and long-term measures to address the issue at both Reservations. During this regulation schedule evaluation, the District has been mindful of its responsibility to provide the Tribe with its surface water entitlement rights. We have endeavored to satisfy these obligations through our analysis of the Lake schedule modifications and our commitment to provide alternative means of delivering water at low Lake levels.

### • Documentation of STA Flow Constraint:

o The total phosphorus loads entering STA-3/4 were identified as a constraint early in the plan formulation and performance evaluation process. The 2007 Base Condition and the TSP for the Lake Okeechobee Regulation Schedule were Colonel Paul L. Grosskruger October 12, 2006 Page 6

evaluated for their projected influence on the performance of STA-3/4 and contains sufficient background documentation on why the STA-3/4 inflow loads are a constraint. Simulated Lake releases were compared to a Performance Measure (PM) consisting of average monthly flows to STA-3/4. In recognition that the phosphorus concentrations occurring in Lake releases are presently higher than assumed during the design of STA-3/4 and in the recent EAA Regional Feasibility Study (RFS), the volume of Lake releases derived for the PM were reduced proportionately to ensure that the phosphorus load does not overload STA-3/4 and reduce its effectiveness.

o The Dynamic Model for Stormwater Treatment Areas – Version 2 (DMSTA2, 6/30/06) was utilized to simulate phosphorus reductions within the STA. The results of the DMSTA modeling efforts were forwarded to the USACE but were not included in the Draft SEIS. The summary is included here as Enclosure "C". The final plan and revised 07LORS simulation will be re-evaluated with DMSTA. This information, as well as the constraint documentation, should be included in the Final SEIS.

We welcome the opportunity to continue to work with the USACE in an intensive, collaborative effort to develop the best possible revisions to the Lake Okeechobee Regulation Schedule. Thank you for your consideration of these comments.

Sincerely.

Carol Ann Wehle Executive Director

South Florida Water Management District

CW/ko

Enclosures:

Enclosure A - Incorporation of Periodic Managed Recessions into the TSP Enclosure B - Lake Okeechobee Water Shortage Management Plan (LOWSM) Enclosure C - Evaluation of the Base Condition and the Tentatively Selected Plan on

for Wells

the Performance of STA-3/4

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### Enclosure A

### DRAFT

### Incorporation of Periodic Managed Recessions into the TSP

### Recommendation

The hurricanes of 2004 and 2005 devastated the submerged aquatic vegetations (SAV) community in Lake Okeechobee. Experience from the managed recession of 2000 and scientific literature suggest that managed recessions are beneficial to stimulate regrowth of SAV and improve overall lake health. These reasons have led to the request for managed recessions to be included periodically in the new lake regulation schedule based upon the ecological successes of the 2000 managed recession.

The decision to implement managed recessions is contingent on several factors, including climatic conditions and lake health. Each occurrence during the period represented by this new regulation schedule would need to be addressed on an individual basis depending on existing conditions and the resulting ecological evaluation. These factors will include determining:

- The lake stage that is presumed to improve the lake health.
- Whether the stage target be reached.
- Whether attempting to reach the stage target will adversely affect other ecosystems or water supply.
- Potential impacts to the Lake levee.
- What would be the stage thresholds that, if exceeded, should trigger discontinuation of the managed recession?
- Are the potential benefits to the lake, worth the potential cost?
- Altered salinity regimes due to lake discharges to the downstream estuaries;
- Increased phosphorus loading from lake discharges to the Everglades; and
- Risk of reduced water supply for agricultural, utilities, and the natural environment if conditions following the recession became drier than expected (Steinman et al. 2002).

Based on the actual, as opposed to the planned, scope of the 2000-2001 drawdown and drought; lake bathymetry, Minimum Flows and Levels (MFL) considerations, and the time it took for a measurable SAV response to occur, it is recommended that the managed recession target for the new Regulation Schedule should be a lake stage of 12' NGVD and a duration of 12 weeks, with a suggested annual target date of November 1st for determining whether a managed recession should be considered for the following spring.

The SFWMD has documented that seven of the nine years between 1991 and 1999 resulted in high lake stages and impacted the ecology of Lake Okeechobee by allowing less light to reach the bottom of the lake, resulting in loss of submerged vegetation (*Chara, Potamogeton, Vallisneria*). Increased turbidity levels resulted in light limitation of bulrush (*Scirpus* sp.), which may have weakened the plants, making them more susceptible to uprooting by wind-driven waves (Steinman et al. 2002). Phosphorus concentrations increased in the nearshore regions, as phosphorus-rich sediments were transported from the central mud zone toward the littoral zone (Havens and James 1999).

Internal waves within the lake's water column spread the loose sediments from the center of the lake to shoreline areas, resulting in more turbid, nutrient-rich water reaching this sensitive area (Havens and James 1999), where much of the lake's submerged plants and fish/wildlife habitat occur (Aumen and Wetzel 1995).

The loss of SAV threatened the survival of a multi-million dollar sport fishery, which previously had been documented to rely on this habitat (Furse and Fox 1994). Thus, the decision to lower the water level in Lake Okeechobee was driven by a combination of political and environmental factors (Steinman et al. 2002).

### Implementation of the 2000 Managed Recession

In 2000, the Governing Board of the SFWMD adopted Resolution No. 00-31, also known as the Shared Adversity Plan (SFWMD 2000). Although this plan had the greatest potential to meet the desired ecological outcome for Lake Okeechobee, it also had the highest risk for impacting the estuaries, the Everglades, and water users surrounding and depending on the lake. As a consequence, the potential risks and adversity were shared among the stakeholders, resulting in its name. The Shared Adversity Plan was implemented immediately after adoption. Discharges to the east, west, and south continued for 27 days, at which point releases from the lake were terminated on 21 May 2000.

### Results

Hydrology. The hydrologic goal of lowering water levels in Lake Okeechobee to 13.0 ft was met on 21 May 2000, 10 days earlier than anticipated, due to the extremely dry conditions during the recession. The additional goal of maintaining water level at or below 13.0 ft for 8 weeks also was met, as summer 2000 was one of the driest on record in South Florida. The loss of water directly attributable to the managed recession was estimated to be approximately 1 ft, with evapotranspiration accounting for the additional lost water. Lake levels continued to drop through the summer, as areas north of the Lake experienced a severe hydrologic drought and provided no inflow.

Lake Okeechobee. Over the course of the 2000 summer, transparency in the water column increased from 0.08 - 0.12 in to near 3.3 ft (near bottom) and phosphorus

concentrations declined from about 60–70  $\mu$ g/L to near 20–30  $\mu$ g/L, in regions where SAV recovered (Havens et al. 2001). The number of sites with SAV increased from two (of 42) in April 2000 (just prior to the managed recession) to 23 sites in August 2000. Low lake stages allowed the removal of an organic berm that had formed along the NW marsh of the shore. Over 5.5 miles of accumulated vegetative debris which accumulated from years of high lake stages was mechanically removed by earth-moving equipment and consolidated by the FFWCC in several wildlife islands in the lake.

A lake survey was conducted in October 2000 for presence—absence of SAV (Havens et al. 2002). Based on this survey, it was estimated that SAV covered > 42,000 ac in Lake Okeechobee. This is similar to the spatial extent documented in a survey of the SAV in 1989–1991, coincident with another severe drought and low lake stage (Zimba et al. 1995). Although a comparable survey was not conducted prior to the managed recession in 2000, SAV cover in October 1999 was no more than 30,000 ac. Additional environmental responses to the recession can be found in Havens et al. (2001) and Steinman et al. (2002).

Additional support for the 12' for 12 weeks recommendation is evident in Figure 1. Post-recession SAV monitoring indicated that after eight weeks, more than 60% of monitoring sites still lacked vegetation while after 10 weeks, the percent of non-vegetated sites had decreased to less than 40%.

Monitoring of invasive species suggested that torpedograss continued to expand its cover in the littoral zone of Lake Okeechobee. Sampling of plant densities in reference plots that had been monitored since 1999 indicated that during the drought period, the rate of expansion of torpedograss increased by two- to threefold. However, the drought also provided dry conditions that allowed the SFWMD and coordinating agencies to carry out controlled fires and treatments of torpedograss with herbicide. These treatments continued through 2001, and as of July 2002, treated areas were not displaying significant regrowth of torpedograss.

Estuaries. Monitoring conducted as part of the managed recession revealed results consistent with prior research at the SFWMD, which indicated that short-term releases of water can have immediate, negative impacts, but that these systems are resilient (Doering et al. 1999, Kraemer et al. 1999). Once discharges to the St. Lucie Estuary ceased, turbidity subsided within four days and salinity returned to ranges tolerable to oysters within one week. Impacts to seagrasses along the Atlantic coastline were localized and did not persist past June 2000. Recovery of environmental conditions was slower in the Caloosahatchee Estuary because there was seagrass mortality in the lower estuary. A cyanobacterial bloom (Anabaena spp.) was documented in the upper estuary, presumably related to the recession operation. A working hypothesis is that the water from Lake Okeechobee "seeded" the estuary with cyanobacteria, which then proliferated to bloom levels in a subsequent period when flow was maintained at near 300 cfs for a number of weeks, keeping conditions oligohaline. This low flow rate maintained an isohaline front near the city of Fort Myers. The bloom ended when freshwater discharges were stopped and salinity levels began to increase.

Everglades. Impacts of the managed recession on the Everglades were minimal. There was no apparent impact on tree islands as a result of the Shared Adversity Plan. In addition, the year 2000 turned out to be one of the most successful nesting seasons in several decades for wading birds in the Everglades as a whole (SFWMD 2001). Because the managed recession took place late in the spring, much of the nesting season was already completed and not impacted by the releases. Flow sampling during the recession revealed that relatively little canal-to-marsh water exchange occurred, because many of the marsh water levels were below land surface. There were no apparent water quality impacts, as determined from phosphorus sampling in the marshes and canals during the course of the recession.

Water Supply. Contrary to model predictions, the region experienced a serious drought, and severe water restrictions were imposed on all water users throughout South Florida. This ranged from substantial cutbacks on agricultural users to restrictions on use of home sprinklers and car washing. The managed recession accounted for approximately 1 ft of lost water on the lake (with > 5 ft subsequently lost to evapotranspiration and water deliveries), so it is likely that these restrictions would have taken place regardless of whether or not the recession had been approved. However, it is unknown how the managed recession may have affected the initiation date or duration of these restrictions. Although normal to above-normal precipitation returned to South Florida in the fall of 2001, thereby abating the water shortage crisis, the restrictions during 2000-2001 resulted in economic hardships throughout the region. Not only were there water use restrictions in the South Florida region, but also economic impacts were felt by citrus, rice, and other agricultural industries, bait shop owners, hotel operators, fishing guides, trailer parks, and other segments of the economy integrally linked to public use of the lake resource. During the drought, a state of emergency was declared, allowing smallbusiness owners to apply for low-interest loans. The main users of these loans were the commercial seine-fishing operators, who were not able to do any fishing when lake stage levels were low (SFWMD, unpublished data).

An attempt to initiate another managed recession was undertaken during late Fall 2005, since lake levels significantly rose following the passing of the 2004 and 2005 hurricanes, and ecological hardships followed. Based on lessons learned from the 2000 managed recession, the following decision tree summarizes the planning process that was being considered for implementation in Spring 2006, and would be considered for future periodic recessions.

Figure 1. Progression of Re-Growth of SAV Post- 2000 Recession

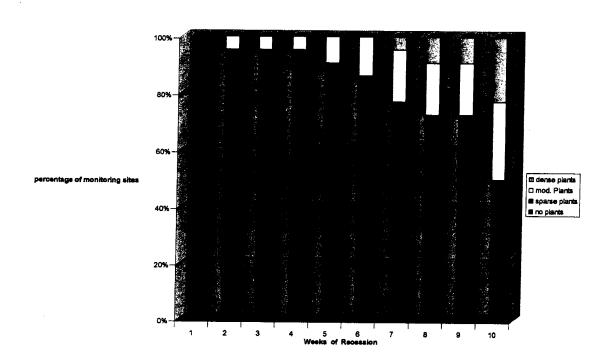
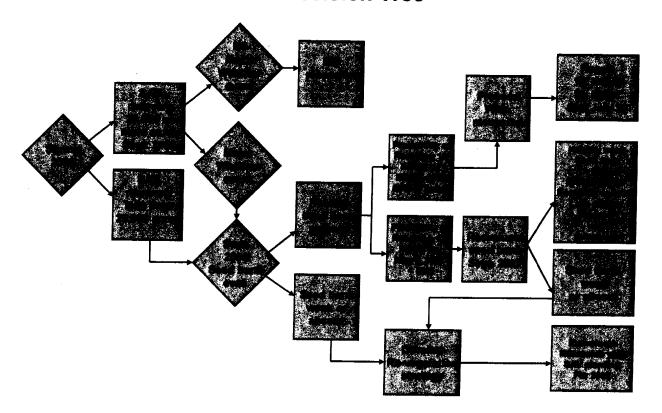


Figure 2. Lake Okeechobee Managed Recession Decision Tree



### **Enclosure B**

### Lake Okeechobee Water Shortage Management Plan

### Introduction

The South Florida Water Management District (SFWMD) has drafted a revised Lake Okeechobee Water Shortage Management (LOWSM) Plan – formerly referred to as the Supply-Side Management (SSM) Plan – to equitably distribute and convey water from Lake Okeechobee during dry periods. The LOWSM Plan was developed through regional modeling using the South Florida Water Management Model (SFWMM). Attachment A summarizes the principal hydrologic features and assumptions included in the SFWMM simulation. The version of the model used for the LOWSM simulations was derived from the one used by the U.S. Army Corps of Engineers (USACE) in their Lake Okeechobee Regulation Schedule Study (LORSS; USACE, July, 2006).

The LORSS version of the SFWMM is unique in that 1,400 cubic feet per second (cfs) of temporary forward pump capacity was assumed to be available to deliver water to the three major basins in the Everglades Agricultural Area (EAA), when Lake levels decline below an elevation of + 10.2 feet National Geodetic Vertical Datum (NGVD), where gravity flow normally ceases. USACE's Tentatively Selected Plan (TSP) – and for that matter all alternatives analyzed in the LORSS – assumed temporary forward pumps were available. In addition, to meet USACE's project schedule, a surrogate for a revised LOWSM Plan was included; that is, the currently adopted SSM trigger line was lowered one foot. In July 2006, USACE prepared a Supplemental Environmental Impact Statement (SEIS) based on the TSP, which – among other things – served as a starting point for development of a revised LOWSM Plan.

This document serves to advise USACE of the revised draft LOWSM Plan as part of SFWMD's official comments to the LORSS TSP. It is SFWMD's belief that the elements of the revised LOWSM Plan be incorporated into the final version of the LORS currently scheduled for adoption by USACE in January 2007.

### **Background**

The Supply-Side Management Plan (Hall, 1991) – sometimes referred to as the "Yellow Book" was SFWMD's method for distributing and conveying Lake Okeechobee water during the 1981-1982 and 1990-1991 dry periods to the Lake Okeechobee Service Area (LOSA) and the Lower East Coast (LEC) Planning Area. Figure 1 is a location map showing Lake Okeechobee, the LOSA and LEC areas, and other areas of interest including the St. Lucie and Caloosahatchee estuaries. Figure 2 shows the various sub-basins of LOSA.

Several shortcomings of the original SSM Plan were realized during its application to the 2000-2001 drought including:

- Data (rainfall, evapotranspiration [ET], and water use) used are outdated and assume normal conditions, yet clearly conditions are not normal during a drought
- Lake Okeechobee water budget did not consider tributary inflows
- Application of the method was complicated
- Use of a reference stage

In response to these shortcomings, a revised SSM Plan (SFWMD, April 2002) was developed that assumed the use of the "reference elevation" and "user account" concepts. While this revised plan was superior to the 1991 plan, stakeholders expressed concern that the revised plan was cumbersome and did not assume the use of temporary forward pumps (1,400 cfs) that were available in the 2000/2001 drought. Stakeholders proposed a phased cutback approach – similar to how urban users are treated during droughts depending on the drought's severity.

In response to stakeholder input, a revised (hybrid) SSM methodology was presented and received concurrence from the SFWMD's Water Resources Advisory Commission (WRAC) at their March 2005 meeting (Attachment B). The hybrid plan incorporated both the phased-cutback approach and assumed existence of the temporary forward pumps. In addition, the phased cutbacks would be incorporated via a calendar-based approach related to Lake levels, focusing not simply on demands but on the resource itself.

The hybrid plan recognized the need to better estimate in real time supplemental irrigation demands (i.e., demands not met by local rainfall or storage) from LOSA on the Lake. The timeframe to conduct research on these supplemental demands and equate them to actual crop-specific water usage within LOSA did not match the need to have a revised plan within the timeframe of the revised LORSS (January 2007). Accordingly, the revised LOWSM Plan used a simplified approach as described below.

### Lake Okeechobee Water Shortage Management (LOWSM) Plan

### Goals

The Goals for the LOWSM Plan were to:

- Develop a revised LOWSM Plan that:
  - o is simpler to understand
  - o is easier to implement

- o includes a phased-cutback approach similar to that used for utilities during declared water shortages and
- incorporates temporary forward pumps
   as outlined in the Hybrid SSM Plan presented to the WRAC in March 2005
- Use updated data that is more realistic for drought conditions
- Develop a methodology that is adaptive to changing drought conditions
- Better meet water supply demands while not lowering lake levels below

### Methodology

The primary elements of the revised LOWSM Plan include

- Calendar-based water shortage trigger line
- Calendar-based lines for phased cutbacks
- Expected weekly LOSA supplemental demands to be experienced under drought conditions

### Calendar-based Water Shortage Trigger Line

A calendar-based water shortage trigger line was developed to ensure that the resource (i.e., Lake Okeechobee) is protected by taking into consideration periods of high and low Lake levels. This consideration is appropriate given the distinct wet- (June through October) and dry-season (November through June) periods experienced in South Florida.

### Calendar-based Lines for Phased Cutbacks

For the same reason that calendar-based lines are appropriate to trigger a water shortage, they are also appropriate to implement phased cutbacks to water deliveries during droughts. Depending on the time of year and the severity of the drought, calendar-based cutbacks can be conducted, balancing water demands and protection of the resource.

### **Developing Weekly LOSA Demands**

Developing weekly water supply demands for LOSA is a critical component of the water shortage strategy for the Lake. They are an essential input to the model upon which cutbacks would be conducted depending on the severity of the drought. These weekly demands were obtained by:

- aggregating daily simulated LOSA supplemental demands from the SFWMM
- 2. performing frequency analysis of these demands

- 3. selecting the appropriate demand curve
- 4. calculating daily demand based on the selected hydrologic condition (in this case, 1-in-10 condition) weekly demand, and dividing the weekly demand by the number of days with deliveries within the week

Figure 3 presents a graph of weekly demands (in acre feet [ac-ft]) vs. time for LOSA under different drought conditions. SFWMD Water Use rules typically allocate water to ensure that the level of service is maintained and no harm is done to the resource under a 1-in-10-year drought scenario. Accordingly, the 1-in-10-year curve was selected as the basis for this analysis. For example, the 1-in-10-year demand curve on Figure 3 indicates that the daily demand on January 1 is 21,000 ac-ft divided by 7, or 3,000 ac-ft.

Figure 4 presents the phased-cutback methodology proposed for the LOWSM. As an example, Figure 4 shows a hypothetical Lake stage of 9.3 feet on January 1, corresponding to a Phase 3 water restriction. As shown on the small table on Figure 4, a Phase 3 restriction correlates to a 45 percent reduction in water deliveries. In this example, the maximum delivery will be 3,000 ac-ft multiplied by 1 minus 0.45 (0.55) or 1,650 ac-ft.

The actual water delivery from the model is the minimum of the maximum delivery and the daily simulated demand. For example, if the model simulated demand is 1,400 ac-ft, the minimum of the daily model simulated demand (1,400 ac-ft) and the maximum model delivery (1,650 ac-ft) is 1,400 ac-ft. Conversely, if the daily demand is 1,800 ac-ft, the minimum of the daily model simulated demand (1,800 ac-ft) and the maximum model delivery (1,650 ac-ft) is 1,650 ac-ft.

### **Development of Phased Trigger Line and Cutbacks**

The trigger line and phased-cutback lines were developed based on several model iterations designed to meet demands while protecting the resource (i.e., not allowing Lake stage to go too low). In each case, the previous SSM methodology used in the TSP was removed and replaced with a revised methodology. In all cases, the limiting criteria to establish the new LOWSM Plan was to equal or improve the performance of USACE's TSP, including not lowering the Lake beyond the minimum elevation of the TSP simulation (in this case, +8.8 ft NGVD). Evaluation of demands not met included the percentage of demands not met and cutback volumes. Sensitivity analysis was conducted by changing the height and inflection points of the trigger and phased-cutback lines to optimize performance (i.e., minimize cutback volumes without negatively affecting the low Lake elevation of +8.8 ft NGVD).

### Results

The results of the analysis are presented and summarized in Figures 5 through 16, comparing and contrasting the TSP and the TSP coupled with the new version of the LOWSM Plan. Figure 5 presents stage-duration curves for Lake

Okeechobee corresponding to USACE's TSP and TSP-LOWSM. The curves are virtually identical, confirming that the LOWSM Plan either equals or exceeds performance of the TSP.

Figure 6 summarizes the mean annual flood control releases from Lake Okeechobee for both the TSP and TSP-LOWSM. The graphs indicate virtually identical performance.

Figure 7 displays the start and end dates, durations, and days since previous event for Lake Okeechobee stage excursions below elevation 11.0 ft NGVD in the period of record. Highlighted entries represent events lasting 80 days or longer, separated from previous events by more than 80 days. Again, the occurrences and durations of the events are similar for the TSP and TSP-LOWSM.

Figure 8 is a frequency analysis of the duration of Lake Okeechobee excursions below +11 ft-NGVD. This corresponds to the current elevation for the State-adopted minimum flow and level (MFL) for the Lake. The similarity of the return frequency curves shows a slightly improved performance of TSP-LOWSM vs. the TSP.

Figure 9 displays the LOSA demand cutback volumes for the seven years in the 36-year simulation with the greatest cutbacks. For all but 1982, the cutback volumes were reduced in these drought years, and in 1982 the cutbacks were increased only slightly.

Figures 10 and 11 are graphic displays of the frequency of water restrictions for LOSA for given water years and for given months of the year. Comparison of Figures 10 and 11 indicates a reduction in the number of months that water restrictions are imposed, as represented by the reduced number of "C"s displayed.

Figure 12 presents a graph of monthly cutback volumes vs. time over the simulation period. From this graph, it is clear that the cutback volumes are reduced from the TSP to TSP-LOWSM for many of the drought years.

Figure 13 summarizes the number of months of simulated water supply cutbacks for the various urban service areas of the Lower East Coast (Figure 1). Figure 14 presents the regional water deliveries for the same areas. Similar performance is observed for the TSP and TSP-LOWSM scenarios.

Figure 15 summarizes the number of times the salinity envelope is not met for the Caloosahatchee estuary (Figure 1), indicating the target, the TSP, and TSP-LOWSM scenarios. The salinity envelope is the preferred range of salinity values deemed to be "healthy" for the particular estuary based in part on its size, location, and historical flow regime. Figure 15 indicates TSP-LOWSM has

slightly better performance that the TSP, but below the target number of occurrences for high, potentially damaging flows above 2,800 cfs.

Figure 16 summarizes the number of times the salinity envelope is not met – this time for the St. Lucie estuary (Figure 1). Figure 16 indicates similar and slightly better performance for TSP-LOWSM vs. the TSP, but both below the target number of high flows greater than 2,000 cfs.

### **Summary and Conclusions**

The South Florida Water Management Model (SFWMM) model was used to develop a revised Lake Okeechobee Water Shortage Management (LOWSM) Plan that resembles the water supply performance of USACE's Tentatively Selected Plan (TSP) for the Lake Okeechobee Regulation Schedule Study (LORSS). The LOWSM Plan incorporates the use of temporary forward pumps (1,400 cfs capacity), designed to make water deliveries southward at Lake elevations below +10.2 ft-NGVD that are normally not possible under gravity flow conditions. The LOWSM Plan incorporates a phased-cutback approach to water deliveries during droughts, similar to the water-shortage approach used in urban areas. Key conclusions are:

- The low lake level (+8.8 ft-NGVD) is the same for both the TSP and the TSP combined with the revised LOWSM
- The TSP keeps water users whole but with increased risks associated with increased frequency and duration of extreme low lake levels
- Increased risk of low lake events is moderated by the revised LOWSM and operation of temporary forward pumps

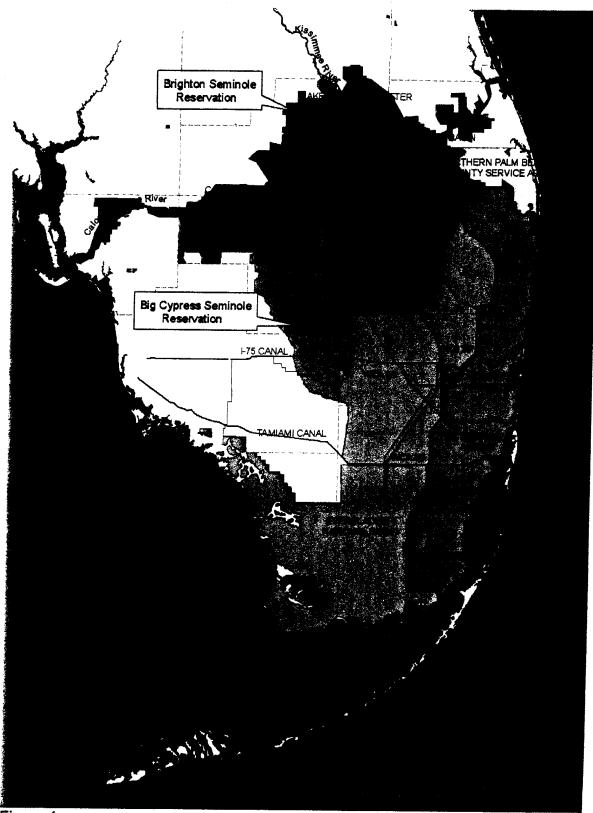


Figure 1.

# 

A: NORTHEAST LAKE SHORE

B: ST. LUCIE (C-44)

C: WPB CANAL & L 8

D: E. BEACH & E. SHORE WCD

E: N. NEW RIVER & HILLSBORO

F: MIANH CANAL BASIN

G: C-21 & S-236 BASINS

H: CALOOSAHATCHEE (C-43)

I: NORTHWEST LAKE SHORE

J: NORTH LAKE SHORE

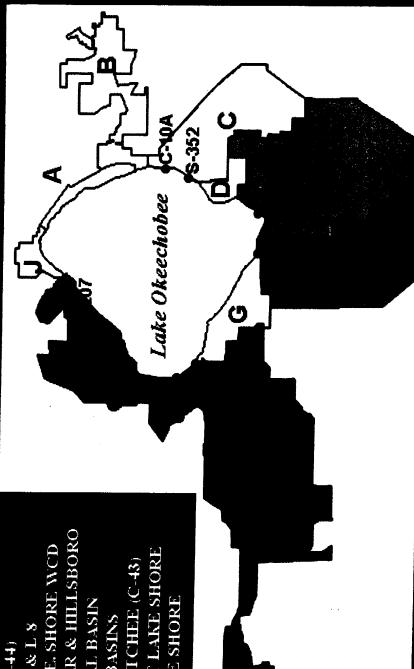


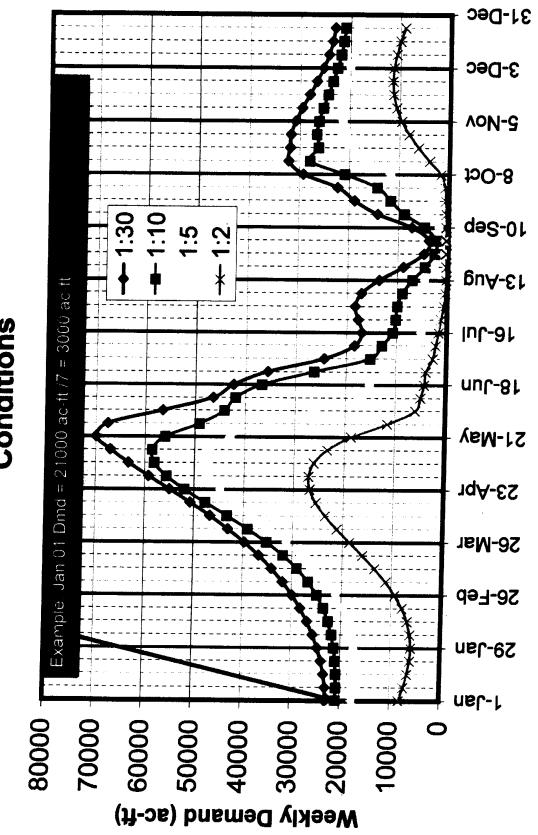
Figure 2.

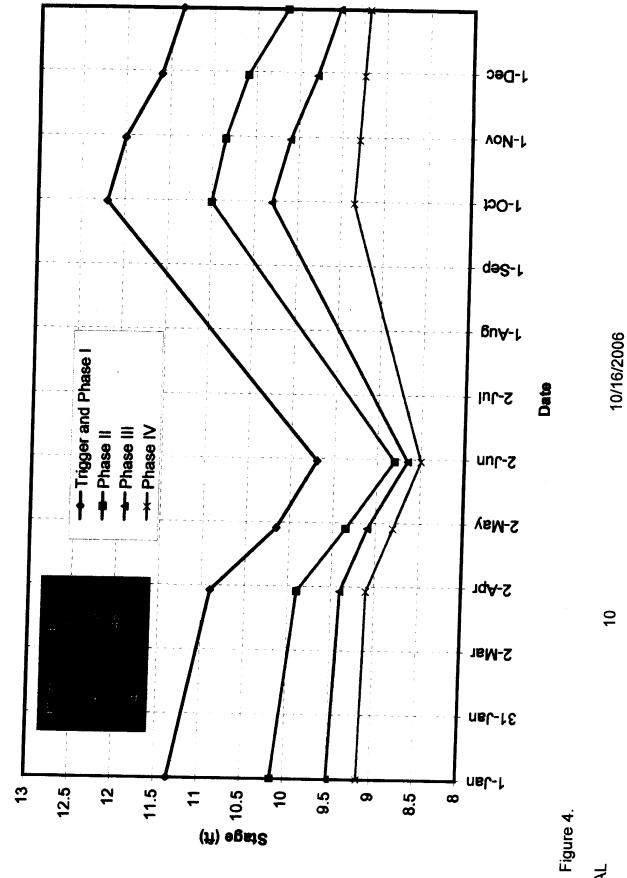
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Figure 3.

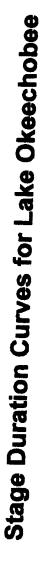
LOSA Weekly Demands for Different Drought Conditions

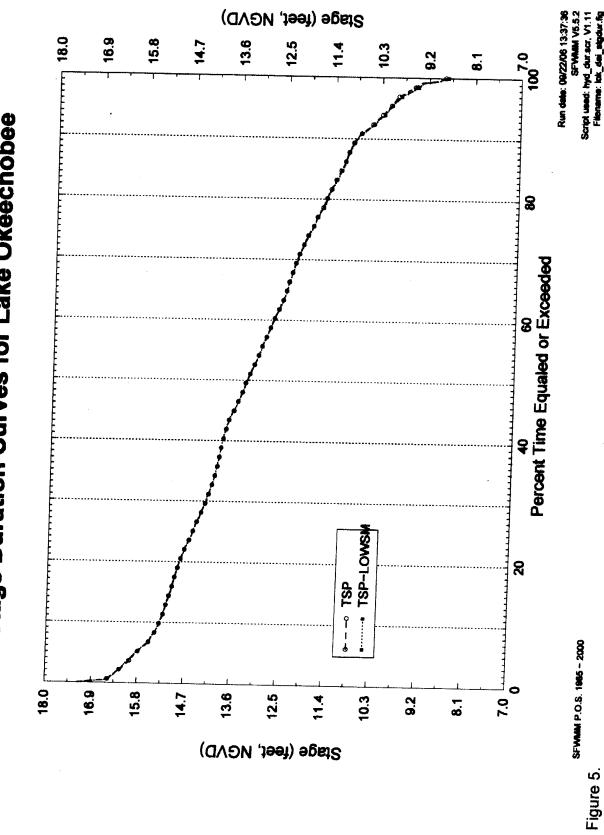




Trigger and Phase Lines used in LOWSM

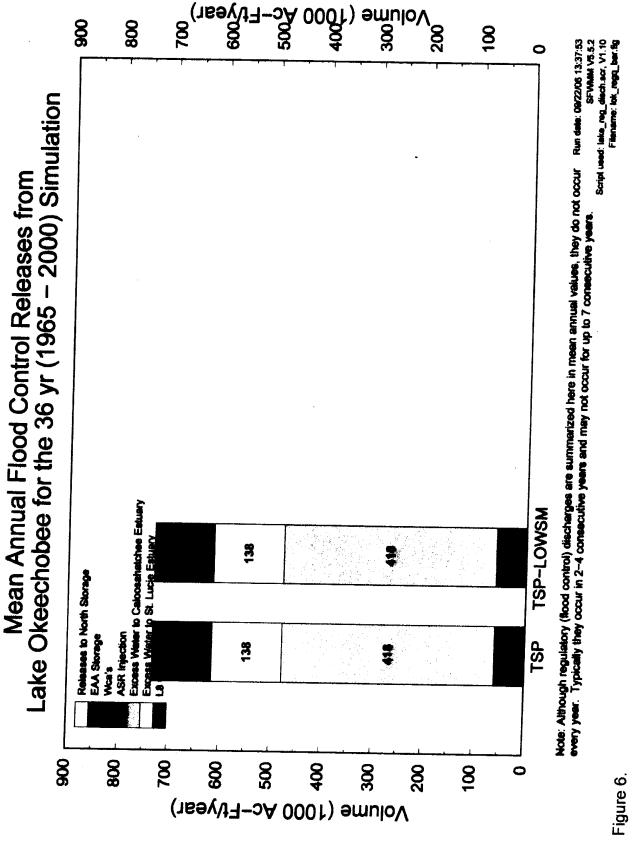
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10/16/2006





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4ST

Days since Prior n Event	18 0	58 293	1064	7 511	28	9	117 10	102 235	4 639	36	148 310	418 1313	1099		28		1058		13 2778
End Date Duration			1723/1971	12/22/1972		3/26/1973		7/3/1974 1(	4/6/1976	6/4/1976	9/5/1977 14	6/2/1982 41	7/25/1985	8/6/1985	5/21/1986	6/16/1986	10/5/1989 149	8/15/1990 188	12/31/2000
<u> ü</u>	9																		12/19/2000 12/

8.843 7/20/1981

TSP-LOWSM

_					-				_																
Days	since	Prior	Event	0	293	1063	507	39	8	10	235	639	-	310	1313	1098	1	8	283	3	1057	119	4	37777	
			Duration	21	29	82	47	*	10	117	102	5	22	148	420	37	10	5	4	24	151	2	189	13	
			End Date	6/17/1967	6/3/1968	7/23/1971	1/27/1973	3/8/1973	3/26/1973	7/31/1973	7/3/1974	4/7/1976	6/4/1976	9/5/1977	6/4/1982	7/13/1985	7/24/1985	8/6/1985	5/20/1986	6/16/1986	10/6/1989	2/4/1990	8/16/1990	12/31/2000	
		1	Start Date	6/1/1967	4/6/1968	5/3/1971	12/12/1972	3/8/1973	3/17/1973	4/6/1973	3/24/1974	4/3/1976	4/9/1976	4/11/1977	4/11/1981	6/7/1985	7/15/1985	8/2/1985	5/17/1986	5/24/1986	5/9/1989	2/3/1990	2/9/1990	12/19/2000	
									,																

# 8.746 7/24/1981

10/16/2006

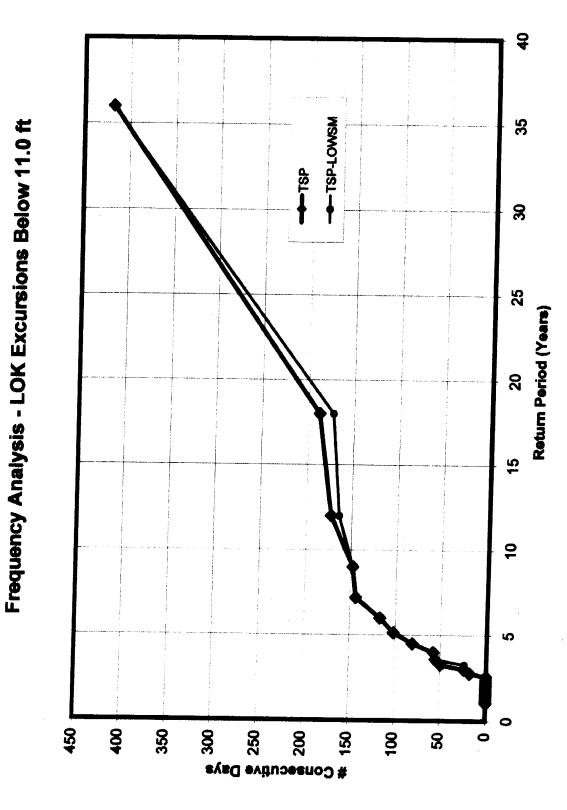
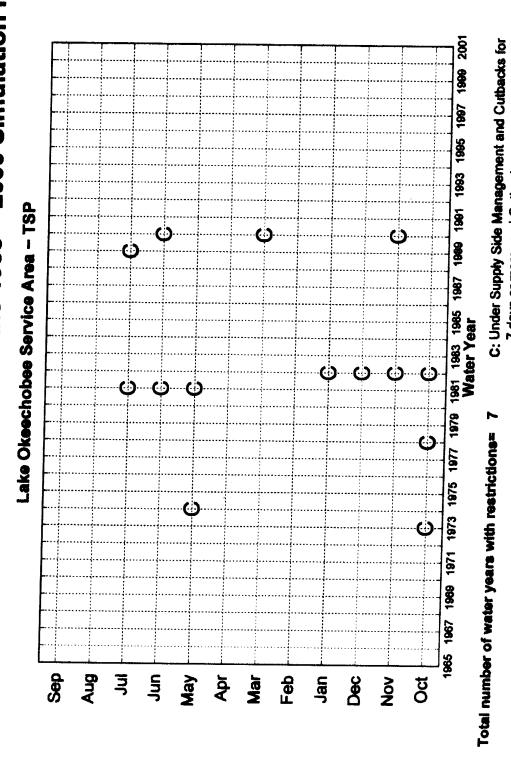


Figure 8.

Figure 9.

# Frequency of Water Restrictions for the 1965 - 2000 Simulation Period



Target number of water years with restrictions= 3

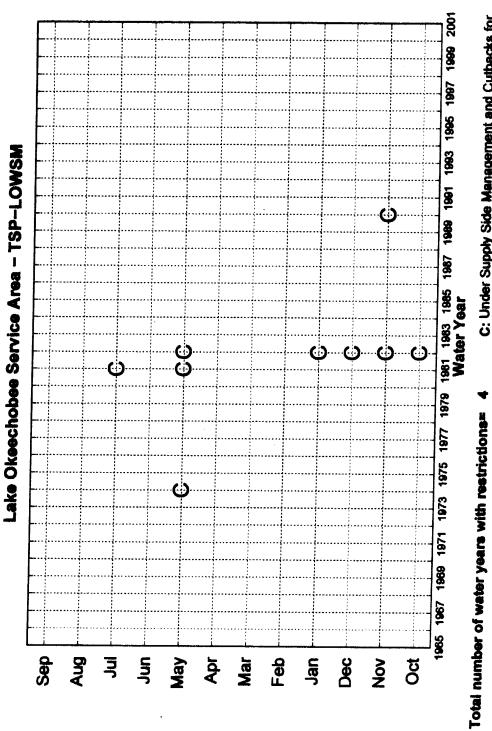
Note: Water year 1961 starts Oct/1980 and ends Sep/1981

Run date: 09/22/05 13:44:46 7 days or more, and Cutbacks greater or equal than 10% and 18000 ac-filmonth

Figure 10.

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Target number of water years with restrictions= 3

7 days or more, and Cutbacks greater or equal than 10% C: Under Supply Side Management and Cutbacks for and 18000 ac-fi/month

Note: Water year 1961 starts Oct/1960 and ends Sep/1961

Run date: 09/22/06 13:44:47

10/16/2006

48

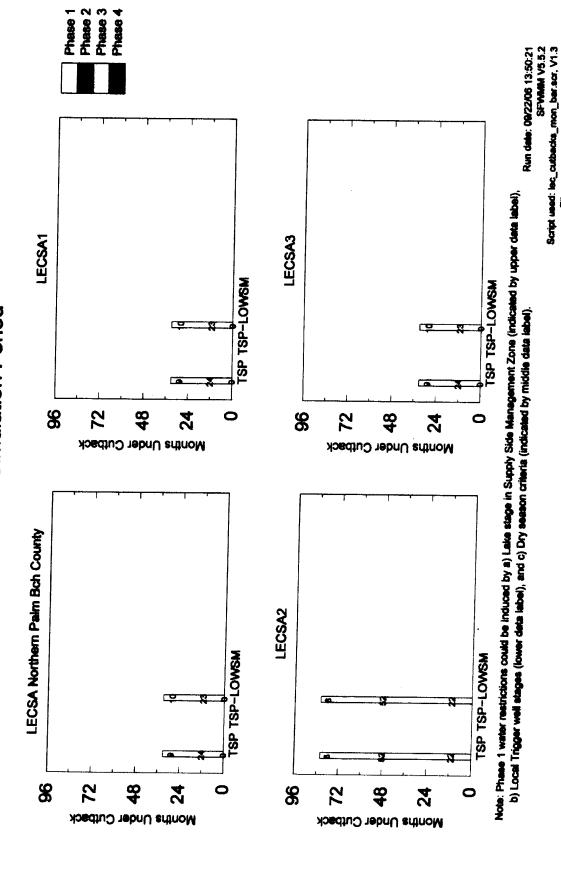


Figure 13.

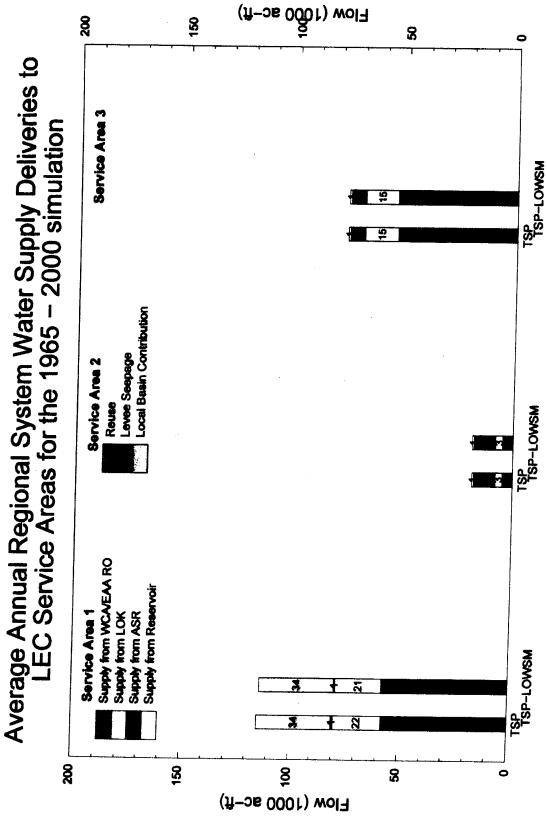
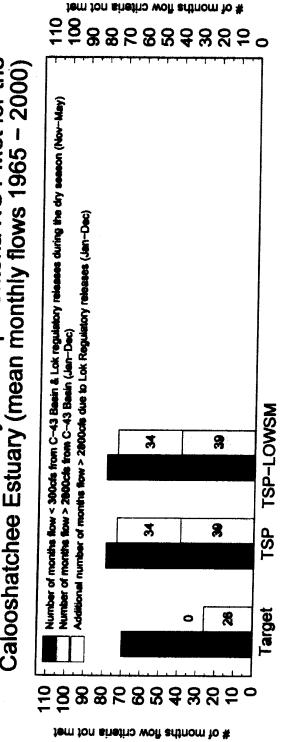
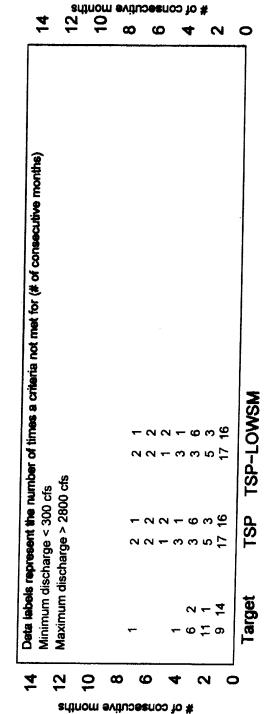


Figure 14.

10/16/2006

Run date: 09/22/05 13:49:13 SFYMMM V5.5.2 Script used: setuary.scr, v1.16 Filename: calcos\_setially\_flow\_ber.fig





RECOVER Performance Measure

10/16/2006

21

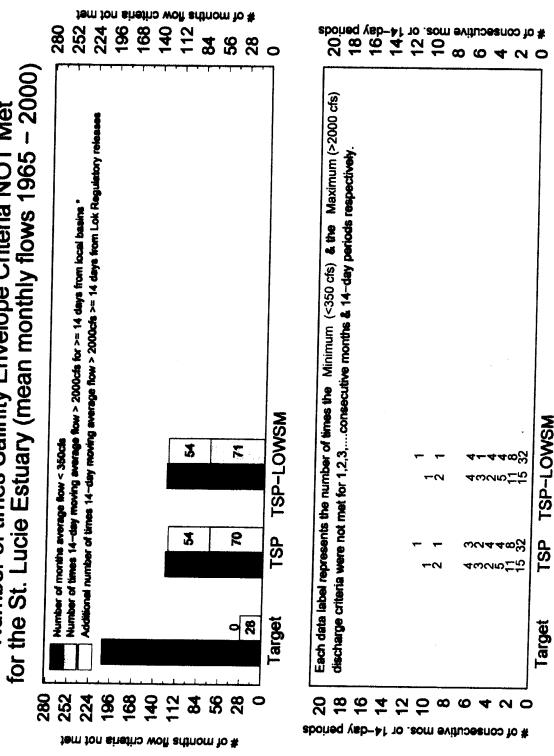
RECOVER Performance Measure

10/16/2006

Script used: estuary.scr, v1.18 Filename: stluc\_setlinty\_flow\_ber.fig Run date: 09/22/06 13:49:11

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# Drought Management Strategy for Lake Okeechobee

Following the 2000-2001 drought, the South Florida Water Management District (SFWMD) began an effort to update and improve the Supply-Side Management plan for Lake Okeechobee, previously released in 1991. The 1991 plan documents the methodology for allocating water supply deliveries from Lake Okeechobee during periods of low Lake levels. A draft Supply-Side Management methodology was released in April 2002 which utilized the concept of "accounts" to distribute limited supplies of Lake water, above a defined reference elevation, to users of Lake water. At a November 2004 meeting of the WRAC subcommittee on Lake Okeechobee operations, an alternate proposal was offered by agricultural industry representatives which represented a more "demand-side" approach to managing low Lake stages. This approach was not fully developed, but it did include such provisions as a phased cutback approach and removing the reference elevation concept. In a follow-up to the WRAC meeting, SFWMD staff has developed the outline of a hybrid plan that incorporates aspects of both supply- and demand-side management. This plan is outlined in bullet form below.

- A realistic basin-scale supplemental demand estimation methodology needs to be developed to provide weekly real-time projected demand estimates for each of the ten defined Lake Okeechobee Service Area (LOSA) supply-side management sub-basins or LOSA as a whole. These estimates may be developed in the form of a lookup table referencing implementation week and drought frequency.
  - If the demand is calculated for LOSA as a whole, water will be distributed to sub-basins as in the Draft April 2002 Supply-Side Management Plan.
    - Cutbacks in supply for Lake Okeechobee Service Area agricultural irrigation will be based on severity of shortage as determined by actual Lake Okeechobee level.
      - Phase 1 15% cutback on estimated basin supplemental demand
        - Phase 2 30% cutback on estimated basin supplemental demand
- Phase 3 45% cutback on estimated basin supplemental demand
  - Phase 4 60% cutback on estimated basin supplemental demand
- analysis to balance all Lake management objectives (see demonstration in Figure 1). As Lake Okeechobee stage declines and falls Phase cutbacks would be referenced to a calendar based set of drought management zones to be developed through a thorough into lower management zones, phase cutbacks would increase. Ultimate determination of phase cutback would be made by the SFWMD Governing Board.
  - to the Caloosahatchee & St. Lucie Estuaries, to maintain navigation depths / lockages outside of Lake Okeechobee, for freeze uses also exist. Consideration will be made for other users as is consistent with current SFWMD water shortage rules and/or the Users of Lake Okeechobee water other than LOSA will be considered in defining the drought management zones. Deliveries from Lake Okeechobee could be made to the Lower East Coast service areas, to the L8 basin, to tribal lands, to stormwater treatment areas, protection and potentially for other users. In-Lake demands such as environmental health of the lake and navigation & recreational SFWMD water shortage plan.
    - The present concept of a June 1<sup>st</sup> reference level would no longer apply.

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This plan assumes that appropriate equipment would be installed to make sure that the full allocation could be delivered despite low water level in Lake Okeechobee. This would require at a minimum pumped outflow capability at the three hurricane gate structures on the Lake (S-351, S-352 & S-354) and the Indian Prairie and Harney Pond Canals.

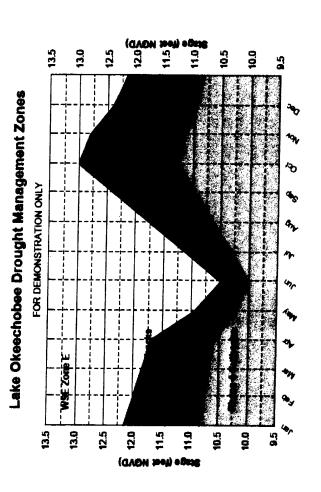


Figure 1 - Example Drought Management Zones for Hybrid Plan

While this hybrid has certain advantages over the 2002 Draft SSM Plan, it would require time to develop; and certain aspects of the plan place additional burden on areas of higher uncertainty (such as demand estimation techniques). A summary of some of the pros and cons of the various proposed methodologies is included in the table below.

Lake Okeechobee Drought Management Plan Comparison

	Hybrid Proposed	Yes	Long (~12 months)	Yes	Low	High	Yes (needs to be developed)	Yes	High	Yes
Methodology	Agricultural Industry Pronosal	No	Long (~12 months)	Yes	Low	High	No	Yes	High	Yes
	April 2002 SSM Draft	Yes	Short (1-2 months)	No	High	High	Yes	Yes	Low	Yes
	Feature	All assumptions (in place or to be developed) can be documented	Timeline for implementation	Requires water shortage rule update	Level of complexity during application	Level of complexity during development	Considers remaining LOK Supply	Considers demand met for users	Dependence on accuracy of demand estimation	Can be used with forward pumps

# SFWMD System Simulated for the LORSS

Luis G. Cadavid, Ph.D., P.E. Chief Hydrologic Modeler July 2006

# Objective

 Describe SFWMD system operational/physical features included in the SFWMM simulations performed by USACE during the Lake Okeechobee Regulation Schedule Study (LORSS)

# **Main Features**

- Represent the expected SFWMD system configuration and operations for the period January 2007 to December 2009.
- Derived from the current configuration and operations with the additional features described below.
- The South Florida Water Management Model (SFWMM) v5.5.2 was used by USACE to evaluate alternatives

# **Additional Features**

- When LOK stage is in Zone D and WSE calls for releases south, available capacity through the L-8 the C-51 canals is used to send flood control releases to tide.
- LOK flood control releases south are sent only to STA 3/4, taking into account lately experienced treatment capacity limitations in this STA.
- LOK flood control releases to WCA-3A are also constrained by the Interim Operational Plan (IOP) for protection of the Cape Sable seaside sparrow.

# Additional Features

- Lake Okeechobee Supply Side Management Policy for Lake Okeechobee Service Area is applied as described in Rule 40E-21 and 40E-22:
  - The base case includes the SSM triggering line as recommended in the 2000 LECRWSP update (13.0' to 10.5' line).
  - The SSM line was lowered by 1.0 ft in all the alternatives as a surrogate to the new Lake Okeechobee drought management policy currently being developed by the District.
  - Maximum cutbacks in LOSA follow a phased approach of 15, 30, 45 and 60% in phases 1 through 4 respectively. The phase is declared by comparing the end of the dry season Lake projected stage with the May 31st SSM reference stage: 10.5' in the base case and 9.5' in the alternatives

# **Additional Features**

- The base case and all the alternatives include temporary forward pumping from Lake Okeechobee for water supply purposes:
  - Forward pumping is initiated when Lake stage recedes below 10.2 ft, and is terminated when Lake stage increases above 11.2 ft.
  - Location and capacity of emporary forward pumps:
    - · S-354 into Miami Canal, 400 cfs
    - S-351 into Hillsboro and North New River Canals, 600 cfs
    - S-352 into WPB Canal, 400 cfs
  - Gravity and pumped water supply deliveries can not occur simultaneously at the above locations

# **Additional Features**

- Water Supply cutbacks in the Lower East Coast Urban Areas are simulated as described in Rule 40E-21 and 40E-22
  - Trigger locations in the Service Areas have pre defined stages that trigger Phase 1 to Phase 4, with percent cutbacks in the amount of 15, 30, 45 and 60%.
- When LOK is under SSM, Phase 1 cutbacks are imposed on the urban areas

# **Additional Features**

- No EAA runoff reduction as a result of BMP implementation
- No BMP Make-Up Water deliveries from Lake Okeechobee to the Everglades
- No Lake Okeechobee Adaptive Protocol Releases from Lake Okeechobee to the estuaries
- WCA-3A deliveries to the ENP and South Miami-Dade operations follow IOP
- Rainfall Plan deliveries to ENP are supplemented with Lake releases when the WCA-3A stage is below the corresponding floor elevation (8.5')

# **Enclosure C**

# Evaluation of the Base Condition and the Tentatively Selected Plan on the Performance of STA-3/4

### **EXECUTIVE SUMMARY**

The 2007 Base Condition and the Tentatively Selected Plan (TSP) for the Lake Okeechobee revised regulation schedule were evaluated for their potential influence on the phosphorus removal performance of STA-3/4. Simulated Lake releases were compared to a Performance Measure (PM) consisting of average monthly flows to STA-3/4. In recognition that the total phosphorus (TP) concentrations occurring in Lake releases are presently higher than assumed during the design of STA-3/4 and in the recent EAA Regional Feasibility Study (RFS), the volume of Lake releases derived for the PM were reduced proportionately (by approximately 76,000 AF/yr) to ensure the resulting TP load does not overload STA-3/4. The Base Condition simulation resulted in a long-term average of approximately 1,650 AF/yr less Lake releases to STA-3/4 than the PM. Utilizing a constant inflow TP concentration of 145.5 ppb, the reduced flows resulted in approximately 0.3 metric tons (MT)/yr less total TP loads from Lake Okeechobee than was estimated to enter STA-3/4 in the EAA RFS. The TSP simulation resulted in a long-term average of approximately 3,200 AF/yr less Lake releases to STA-3/4 than the PM. The reduced flows simulated in the TSP resulted in approximately 0.6 MT/yr less TP loads from the Lake than was estimated to enter STA-3/4 in the EAA RFS.

To evaluate the influence of these scenarios on the TP removal performance of STA-3/4, the 31-yr period of record daily Lake releases and stormwater flows from the South Florida Water Management Model was coupled with estimates of TP concentrations to create an STA-3/4 inflow set. The Dynamic Model for Stormwater Treatment Areas was utilized to simulate TP reductions within the STA. With respect to stormwater inflow, the Base Condition simulated an increase of approximately 17,000 AF/yr of additional flow and 1.7 MT/yr TP to STA-3/4 compared to the EAA RFS estimate. The TSP scenario simulated an increase of approximately 15,000 AF/yr of additional flow and 1.6 MT/yr TP to STA-3/4 compared to the EAA RFS estimate. However when coupled with the reduction in Lake release volume, the Base Condition yielded a net inflow that was approximately 60,000 AF/yr less than the EAA RFS estimate, with approximately 1.4 MT/yr more than estimated in the EAA RFS. The TSP alternative yielded a net inflow that was approximately 63,000 AF/yr less than the EAA RFS estimate, with approximately 1.0 MT/yr more than estimated in the EAA RFS. Simulated TP concentrations in the discharge from STA-3/4 for both the Base Condition and TSP were 21 ppb, which is 1 ppb higher that the EAA RFS projections. It should be noted that the simulated increase in outflow TP concentration is due to the simulated increase in EAA runoff relative to the EAA Regional Feasibility Study - and not due to Lake releases. However, coupled with the decreased discharge volumes resulting from decreased Lake inflows, the long-term average TP loads from STA-3/4 to the Everglades for the Base Condition was projected to be approximately 1.5 MT/yr less than projected during the EAA RFS, and the TSP alternative was projected to be approximately 1.9 tons/yr less than projected during the EAA RFS.

### **EVALUATION**

Background. STA-3/4 is one of six large treatment wetlands managed by the South Florida Water Management District as part of the Everglades Construction Project (see Figure 1). STA-3/4 was designed to capture stormwater runoff from the basins adjacent to the North New River and Miami Canals as well as to capture and treat regulatory releases from Lake Okeechobee. Pump stations located on the North New River and Miami Canals direct this water into three parallel flow paths vegetated by emergent and submerged aquatic vegetation (see Figure 2).

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Figure 1. Overview of the Everglades Construction Project

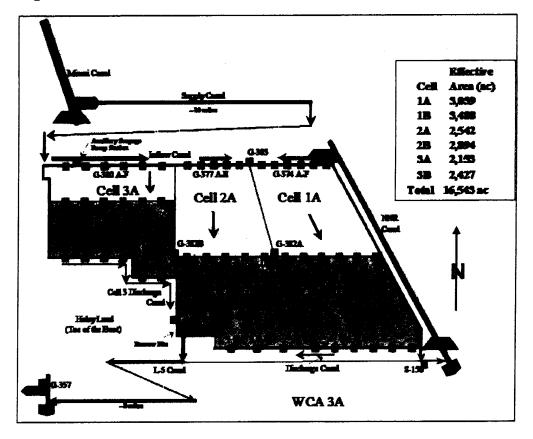


Figure 2. STA-3/4 Schematic (not to scale)

Comparison to STA-3/4 Performance Measure. The projected TP load to STA-3/4 and the other STAs from Lake Okeechobee was updated recently as part of the EAA Regional Feasibility Study (RFS). Phosphorus inflows to STA-3/4 were based on the recalibrated SFWMM simulation, utilizing the 1965-2000 rainfall record and regional water management conditions for the 2006 period (ADA/Burns & McDonnell 2005). Three categories of Lake Okeechobee releases influence the operation and performance of the Everglades STAs:

- 1. Regulatory Releases. STA-3/4 is the only stormwater treatment area designed to capture and treat regulatory releases from Lake Okeechobee.
- 2. Water Supply for the STAs. When available, lake water is delivered to the STAs to maintain a minimum depth of 0.5 ft above the average ground elevation.
- 3. Water Supply for Downstream Users. To minimize the potential for TP overload of the STAs, the EAA Regional Feasibility Study assumed that water supply releases from Lake Okeechobee that needed to reach the WCAs and downstream users would not be captured and treated by the STAs (ADA/Burns & McDonnell 2005).

A Performance Measure (PM) for Lake Okeechobee releases into STA-3/4 was derived from the EAA RFS estimates of monthly inflow TP loads. A May-April Water Year (WY) was used in the EAA RFS and is also used in this analysis for direct comparison. The average annual combined TP load to STA-3/4 from Lake Okeechobee was estimated to be 11,339 kg/yr for the 35 water years simulated in the EAA RFS. With the 2004 and 2005 hurricanes, TP

concentrations in releases from Lake Okeechobee have increased significantly and average approximately 145 ppb from S-351 and 146 ppb from S-354 (O'Dell personal comm. 2006). The performance measures for Lake Okeechobee releases to STA-3/4 were derived by dividing the long-term average monthly TP loads by the recent average TP concentration, resulting in a decrease in flows by approximately 74,702 AF/yr to produce an equivalent inflow TP load. This assumes no attenuation in TP concentration in the canals between the Lake and STA-3/4. The PM established long-term average monthly flows totaling 63,179 AF/yr, as summarized in Table 1; additional PM details are provided in Goforth 2006.

Table 1. Long-term Monthly Average Lake Input to STA-3/4.

	EAA RFS	EAA RFS	Current	Perf. Measure	Perf. Measure
Month	TP Load	TP Conc	TP Conc	Flow	Flow
	kg	ppb	ppb	cfs	acre-feet
January	1,780	64	145.5	5,000	9,917
February	2,135	58	145.5	5,998	11,897
March	1,722	48	145.5	4,837	9,594
April	2,292	73	145.5	6,439	12,772
May	1,986	103	145.5	5,578	11,063
June	323	83	145.5	908	1,802
July	120	78	145.5	337	668
August	114	71	145.5	320	635
September	19	103	145.5	52	104
October	272	109	145.5	763	1,513
November	322	69	145.5	905	1,794
December	255	58	145.5	716	1,420
Total	11,339	67	145.5	31,853	63,179

WY2004, 2005 and 2006 (partial) (O'Dell personal communication):

S-351: 145 ppb S-354: 146 ppb

The 2007LORS scenario (Base Condition) is considered the future without project condition and serves as the base model run from which all alternative modeling was compared. Daily flow values for the Base Condition and the Tentatively Selected Plan (TSP) were downloaded from the Corps of Engineers' website on July 24, 2006. The simulated releases to STA-3/4 from the S-351 and S-354 structures were compiled for comparison to the PM. Other Lake releases for water supply purposes to other areas were not included in this comparison because it is assumed that they will not be treated in STA-3/4 (ADA/Burns & McDonnell 2005)<sup>1</sup>. A comparison of the simulated flows to the STA-3/4 Performance Measure is presented in Table 2 and Figure 3. **The Base Condition** simulation resulted in a long-term average of approximately 1,650 AF/yr less Lake Okeechobee releases to STA-3/4 than the PM, with considerable month-to-month variation from the PM. **The TSP** simulation resulted in a long-term average of approximately 3,200 AF/yr less Lake Okeechobee releases to STA-3/4 than

<sup>&</sup>lt;sup>1</sup> Although not part of this STA-3/4 evaluation, as part of the LORSS analyses, significant volumes of Lake releases were simulated to be directed to STA-1E despite the fact that this STA was not designed to capture and treat regulatory releases. The resulting simulated inflows to STA-1E would overload the STA and inhibit the treatment area's ability to achieve State and Federal water quality mandates.

the PM, with considerable month-to-month variation from the PM. It was noted that the PM summary on the Corps website apparently included additional Lake water supply release terms, and this may partially explain why the average annual Lake releases to STA-3/4 were below the PM.

The estimated average monthly TP loads contained in the Lake releases to STA-3/4 for the alternatives are compared to the monthly values estimated during the EAA RFS in Figure 4. An average TP concentration of 145.5 ppb was provided by District staff, equal to the flow-weighted mean at S-351 and S-354 since May 2003, and was utilized for the Lake releases. The reduced flows simulated in the Base Condition resulted in approximately 0.3 metric tons (MT)/yr less TP loads from Lake Okeechobee than was estimated to enter STA-3/4 in the EAA RFS. The reduced flows in the TSP resulted in approximately 0.6 MT/yr less TP loads from the Lake than was estimated to enter STA-3/4 in the EAA RFS.

Table 2. Comparison of Alternative Lake Okeechobee Releases to the STA-3/4 PM.

able 2.		EAX RES		NO ONOCO	HODEC IXES	cases to th	C DITE 5
Month	Flow	Long	Adj. Flow				
	AFIME	koline	White				
Jan	22,654	1,780	9,917	11,860	2,129	12,338	2,214
Feb	30,340	2,135	11,897	4,026	722	4,173	749
Mar	28,602	1,722	9,594	5,791	1,039	2,388	429
Арг	25,377	2,292	12,772	12,822	2,301	7,621	1,368
May	15,638	1,986	11,063	5,791	1,039	7,193	1,291
Jun	3,163	323	1,802	853	153	1,027	184
Jul	1,242	120	668	1,703	306	651	117
Aug	1,300	114	635	938	168	1,011	182
Sep	147	19	104	0	0	271	49
Oct	2,024	272	1,513	1,174	211	1,454	261
Nov	3,808	322	1,794	7,115	1,277	11,873	2,131
Dec	3,586	255	1,420	9,453	1,696	9,980	1,791
Total	137,881	11,339	63,179	61,525	11,042	59,979	10,765
ifference	from PM	•		-1,654	-297	-3,200	-574

Figure 3.

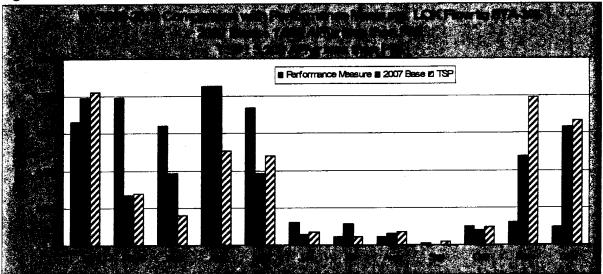
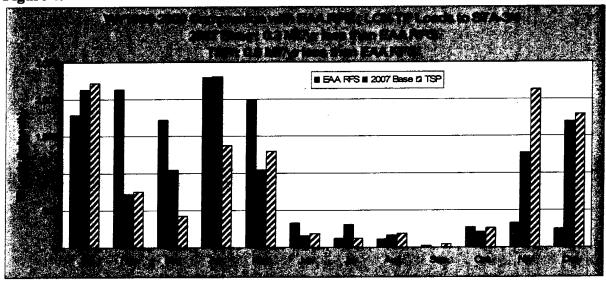


Figure 4.



STA-3/4 Performance. Inflows. To evaluate the influence of these scenarios on the TP removal performance of STA-3/4, the 31-yr period of record daily Lake releases and stormwater flows from the South Florida Water Management Model (SFWMM) was coupled with estimates of TP concentrations to create an STA-3/4 inflow set. With respect to stormwater inflow, the Base Condition simulated an increase of approximately 17,000 AF/yr of additional flow and 1.7 MT/yr TP to STA-3/4 compared to the EAA RFS estimate. The TSP scenario simulated an increase of approximately 15,000 AF/yr of additional flow and 1.6 MT/yr TP to STA-3/4 compared to the EAA RFS estimate. However when coupled with the reduction in Lake release volume, the Base Condition yielded a net inflow that was approximately 60,000 AF/yr less than the EAA RFS estimate, with approximately 1.4 MT/yr more than estimated in the EAA RFS. The TSP alternative yielded a net inflow that was approximately 63,000 AF/yr less than the EAA RFS estimate, with approximately 1.0 MT/yr more than estimated in the EAA RFS.

STA-3/4 Phosphorus Projections. The phosphorus removal performance of STA-3/4 was simulated using the Dynamic Model for Stormwater Treatment Areas - Version 2 (DMSTA2 -Walker and Kadlec 2005). Utilizing the same DMSTA model parameters and STA configuration as the EAA RFS (ADA/Burns & McDonnell 2005), preliminary performance estimates were generated from the alternative conditions. DMSTA parameter input and simulation output summaries for the Base Condition and TSP are provided in Attachments 1 and 2. A comparison of STA-3/4 performance is presented in Table 3 and Figures 5-7.2 A range of projected TP concentrations is presented in Table 3 to reflect the scientific uncertainty associated with TP projections. The "Upper Confidence Limit" reflects the potential performance if the treatment vegetation within STA-3/4 performs as well as the 90<sup>th</sup> percentile of the calibration data sets. The "Mean Estimate" reflects the performance at the 50th percentile, while the "Lower Confidence Limit" reflects the performance at the 10<sup>th</sup> percentile of the calibration data sets. Long-term average annual load reductions within the STA and associated loads from STA-3/4 are based on the mean estimated flow-weighted mean concentration. Simulated TP concentrations in the discharge from STA-3/4 for both the Base Condition and TSP were 21 ppb, which is 1 ppb higher that the EAA RFS projections. It should be noted that the increase in outflow TP concentration is due to the simulated increase in EAA runoff relative to the EAA Regional Feasibility Study – and not due to Lake releases. However, coupled with the decreased discharge volumes resulting from decreased Lake inflows, the long-term average TP loads from STA-3/4 to the Everglades for the Base Condition was projected to be approximately 1.5 MT/yr less than projected during the EAA RFS, and the TSP alternative was projected to be approximately 1.9 tons/yr less than projected during the EAA RFS.

Untreated Diversions to the WCAs. Consistent with the EAA RFS, this analysis assumed that water supply deliveries to downstream areas will not be captured by the STAs. Table 3 identifies the volumes and associated TP loads. While the SFWMM output contained terms for diverted runoff (S7BPMR and S8BPMR), in both the EAA RFS and in this analysis these terms are added to the STA-3/4 inflow and treated. DMSTA2 estimates bypass based on hydraulic constraints, and there were none in the simulations.

### SUMMARY

Simulation analyses forecast that the TSP alternative should result in a long-term average annual TP concentration of 21 ppb from STA-3/4. While this is 1 ppb higher than forecast in the EAA RFS, the reduced flows should result in a lower TP load to the Everglades by about 1.9 metric tons per year. It should be noted that the simulated increase in outflow TP concentration is due to the simulated increase in EAA runoff volume relative to the EAA Regional Feasibility Study – and not due to Lake releases.

<sup>&</sup>lt;sup>2</sup> Three error/warning messages were generated during the DMSTA simulation STA-3/4: for flow-way 2 the average flow/width in the upstream cell was 16% higher than the calibration data range, although the average dropped within the calibration range in the downstream cell; for flow-way 3, the average flow/width in the downstream cell was 31% lower than the calibration data range; also, the mean depth in Cell 3B was 60 cm, slightly lower than the 62-cm depth in the calibration data range.

Table 3. Comparison of STA-3/4 Performance - WY1966-2000.

		EAA RFS	2007LORS	AltibS2-m
		Table 4.1	Base	TSR
	A STATE OF THE STA			7.4
Volume	AF/yr	643,100	583,502	580,414
Load	kg/yr	64,940	66,379	65,946
Concentration	ppb	82	92	92
				A STATE OF THE STA
	The second	1/2.89		
Volume	AF/yr	624,132	564,839	561,720
	A STATE OF THE STA	CONTRANSPORTER TOTAL	N. A. STOLEN, BOOMS PAGE	10 Production 45 200 / 44 450 TM 25
		La la la la la la la la la la la la la la		
Upper Confidence Limit	ppb	16.2	16	16
Mean Estimate	ppb	20.1	20.0	19.6
Lower Confidence Limit	ppb	24.8	25.0	24.6
				of the book that the second states a second
	114	and the second second second		
Upper Confidence Limit	ppb	11.9	12	15
Mean Estimate	ppb	15.6	19.3	19.0
Lower Confidence Limit	ppb	20.1	21.1	21.1
TP Load Using Mean Conc.	kg/yr	15,459	13,938	13,601
TP Load Reduction	kg/yr	49,481	52,441	52,345
	an administration of the second			
	3		1.77	1 1 1
Volume	AF/yr	50,700	62,827	56,458
Load	kg/yr	4,730	12,829	12,195
Concentration	ppb	76	166	175

Note: 1. From S-351, S-352 & S-354 to all places

Figure 5.

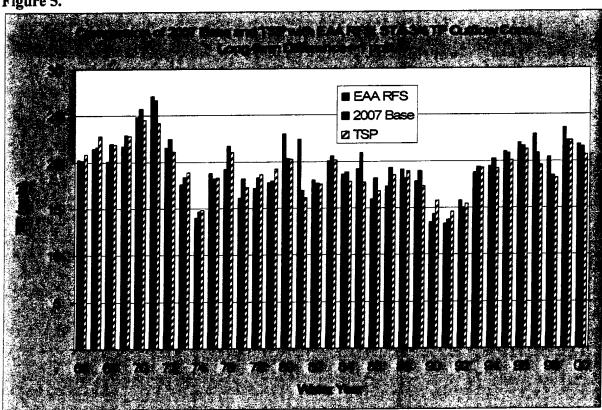


Figure 6.

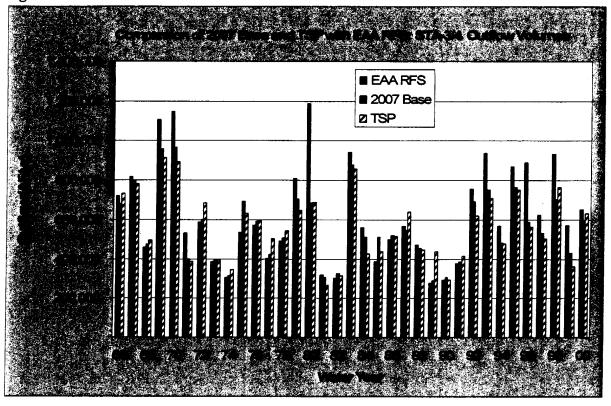
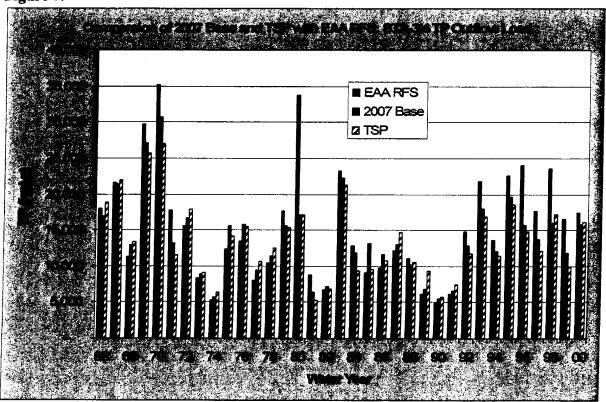


Figure 7.



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- ADA/Burns & McDonnell 2005. EAA Regional Feasibility Study Final Report, prepared for the South Florida Water Management District, October 2005.
- Goforth, G. 2006. Technical memorandum "STA-3/4 Phosphorus Loading Performance Measure" to SFWMD, February 22, 2006.
- Walker, W. and R. Kadlec 2005. Dynamic Model for Stormwater Treatment Areas Version 2, prepared for the U.S. Dept. of Interior and U.S. Army Corps of Engineers, May 2005; updated June 30, 2006

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### Memorandum



TO:

Florida State Clearinghouse

THROUGH:

Greg Knecht, Administrator

Water Quality Standards & Special Projects Program

FROM:

John Outland

DATE:

October 9, 2006

SUBJECT:

Department of the Army, Jacksonville District Corps of Engineers - Draft Supplemental

Environmental Impact Statement (DSEIS) for the Lake Okeechobee Regulation Schedule

Study - Central and Southern Florida Flood Control Project Area.

SAI#:

FL06-2709C

The Department has reviewed the above-referenced DSEIS and offers the following comments:

### **Background**

The Draft Supplemental EIS is being prepared in support of proposed operational changes to the Lake Okeechobee Regulation Schedule. Currently, the lake is operating under the Water Supply and Environment (WSE) schedule adopted in 2000. However, over the past several years, as a result of heavy rainfall and numerous hurricanes, the lake stage has reached levels that have threatened the integrity of the Herbert Hoover Dike and required harmful high volume releases to the estuaries. Alternatives, WSE, 1bS2, 1bS2-m, 2a, 2a-m, and 4 were evaluated based on criteria for managing the lake at a lower level than the current water regulation schedule. All of the alternatives evaluated by the DSEIS were developed to achieve zero or close to zero days above a lake elevation of 17.25, to provide a base flow to one or both estuaries to minimize the potential for damaging releases, to include a maximum limit or releases to the STAs, and to provide lake managers with as much flexibility as possible to lower the lake stages when needed to achieve project objectives.

The DSEIS states that the preferred alternative, 1bS2-m represents the best operational compromise at this time to improve the environmental health of certain major Central and Southern Florida ecosystems, while providing for public health and safety as it pertains to the Lake Okeechobee Regulation Schedule and the impact it has on the integrity of the Herbert Hoover Dike.

Alternative 1bS2-m has a seasonal guidance lake stage envelope of 11.75 on the low end and 15.75 on the high end to prevent ecological damaging high and low lake levels. The proposed regulation schedule also has an operational guideline to reflect an overall management goal to facilitate all Lake Okeechobee authorized project purposes (fish and wildlife enhancement, flood control, and water supply). These guidelines vary seasonally between 12.5 and 15.5 and allow for consideration of other factors, including project conditions, historical lake levels, estuary conditions/needs, lake ecology conditions/needs, storm water treatment area available capacity/needs, current weather conditions, weather forecasts, projected lake level rise/recession, and water supply.

Florida State Clearinghouse Page 2 of 3 October 9, 2006

The new regulation may provide more operational flexibility, allowing the for low-volume discharges during periods when high rainfall is expected. This has the opportunity to reduce the risk of high-volume, ecologically damaging discharges to the estuaries when the lake rises to a higher stage. There also is the opportunity for water deliveries to the estuaries and Everglades Water Conservation Areas, as required to alleviate stress in these downstream ecosystems caused by high salinity and low water levels. Nevertheless, the proposed changes to the regulation schedule will have limited benefits to the regional system until the larger problem of additional water storage can be provided through the implementation of the Comprehensive Everglades Restoration Plan and the Lake Okeechobee Estuary Recovery Plan.

#### **Comments**

The following suggestions are offered for consideration in project planning:

Lake Okeechobee is primarily regulated for flood control, navigation and water supply and secondarily for environmental needs. Only recently (2000-2001) was the lake level intentionally lowered to benefit fish and wildlife habitat. The lake's ecology benefited from the lowering by an increase in transparency in the water column, a decline in phosphorus concentrations in areas where submerged aquatic vegetation recovered and the recovery of approximately 17,000 acres hectares of submerged aquatic vegetation. Unfortunately, there were some relatively short term adverse impacts to the estuaries from the lake releases and water shortage restrictions were necessary as normal rainfall did not return until the fall of 2001.

Wetter than normal dry seasons in 2004 and 2005 and numerous hurricanes resulted in high lake levels necessitating the release of water to tide to provide flood protection and the integrity of the Herbert Hoover Dike. The high water levels of 2004-2005 have been replaced in 2006 with a drier than normal rainy season and the lake level is currently below 12 feet. It is clear that when you manage for better performance of one of the lake's water management purposes the result often leads to less than satisfactory performance of another competing purpose.

The critical issue is about knowing when to hold water in the lake and when to release it. If you hold it too long for water supply and other needs there is a risk of having to make large, harmful discharges to tide before or during the wet season. Holding the lake at lower levels could result in the need for more frequent but less damaging discharges to tide if the operational guidelines allow for water managers to make timely decisions based on real time data on the status of water levels and quality in the lake, water conservation areas, STAs and water quality and salinity in the estuaries. Obviously, this is more about the operational guidelines than the alternative as their benefits and impacts are similar.

We suggest that the following be used in alternative selection and development of the operational guidelines.

Any proposed regulation schedule must be coupled with day to day operational guidance to reduce the conditions that result in tradeoffs between the ecological health of the lake, estuaries and the water conservation areas.

Maximum flows should be less than 2000 cfs to the St. Lucie estuary and less than 4500 cfs to the Caloosahatchee Estuary to minimize adverse effects on estuarine ecology. These flow rates may need to be varied as local basin inflows vary. Salinity impacts to the estuaries result from a combination of lake and local basin discharges.

Florida State Clearinghouse Page 3 of 3 October 9, 2006

Estuarine salinity and water quality monitoring should be implemented to allow real time adjustments to be made. To reduce the occurrence of damaging high salinity conditions in the Caloosahatchee Estuary, flows of 800 cfs in the spring and 1200 cfs in the fall are suggested for consideration.

Any revision should permanently add the needed flexibility to deal with unexpected events and adequately address environmental needs. This flexibility should be sufficient to eliminate the need for future "temporary deviation" from the adopted Regulation Schedule.

Lake releases should mimic natural hydrological conditions such as rainfall events. However, consideration must also be given to flows coming from local basins.

### **Technical comments**

Conditions within the Caloosahatchee Estuary are not predicted to be improved substantially as a result of the proposed regulation schedule. Modeling simulations of the preferred alternative indicate no improvement in the high flow >4500 cfs range to the Caloosahatchee Estuary and the Corps has determined that the proposed action will provide minimal benefits to essential fish habitat in the Caloosahatchee Estuary. We suggest that additional modeling be accomplished to develop an alternative or provide alternative operational guidance that provides significant improvement in essential fish habitat.

Based on our review of the DSEIS, it is unclear how gravity flows from the West Palm Beach Canal, the L-8 Canal and the Caloosahatchee Canal into the Lake were accounted for in the alternatives analysis. Please provide a brief explanation of how these operations were captured.

According to table 2-2, all of the alternatives would result in no adverse impacts. The information provided in the DSEIS doesn't seem to support this finding (i.e., increases in the number of >4500 cfs discharges). Please provide justification for the no adverse impact finding.

If you have any questions regarding these comments, please feel free to contact John Outland at (850) 245-2089.

cc: John Outland (cc)
Greg Knecht (cc)
Frank Nearhoof (cc)
Tim Gray (cc)



# Florida Department of Agriculture and Consumer Services CHARLES H. BRONSON, Commissioner The Capitol • Tallahassee, FL 32399-0800 www.doacs.state.fl.us

Please Respond to:

PL-10, The Capitol Tallahassee, Florida 32399 (850) 488-3022 (850) 922-4936

October 12, 2006

Colonel Paul L. Grosskruger Commander and Chief Engineer Jacksonville District Corps of Engineers United States Army Corps of Engineers Post Office Box 4970 Jacksonville, Florida 32232-0019

Dear Colonel Grosskruger:

Thank you for the opportunity to provide comments on the August 18, 2006, Lake Okeechobee Regulation Schedule Study (LORSS) Draft Supplemental Environmental Impact Statement (SEIS).

I fully appreciate your concerns regarding the integrity of the Herbert Hoover Dike, and that protection of public health and safety was an overriding factor in selecting a Preferred Alternative for regulating Lake Okeechobee levels. In addition, it is apparent that changes in the regulation schedule reducing lengthy periods of high levels in the lake can contribute to improved ecological conditions in the lake. However, to the extent feasible, the selected alternative should accomplish these objectives while minimizing other potential impacts that may be less desirable. I would also note, in regard to protecting public health and safety, repair of the Herbert Hoover Dike is absolutely critical, and encourage the Corps to move as quickly as possible in completing that task.

I have strong concerns about the impact of the proposed schedule on water supply availability. This concern is compounded by uncertainty surrounding future actions by the South Florida Water Management District (District), which will become necessary if the proposed regulation schedule is implemented. My primary concern is the District's ability to operate forward pumps and implement a supply-side management schedule that offsets any water supply shortages related to lower lake levels.

Colonel Paul L. Grosskruger October 12, 2006 Page Two

In addition, and related to my concern regarding the District's ability to operate forward pumps, it is somewhat troublesome that the U.S. Fish and Wildlife Service (USFWS) will not provide a biological opinion until the comment period on the LORSS Draft SEIS has ended. The USFWS opinion may significantly impact what actions the District is able to take. It is of particular concern to me that if forward pumps cannot be operated below certain levels, this would result in potential water supply shortages not addressed by the LORSS Draft SEIS.

Further, I am also concerned regarding impacts of the proposed regulation schedule on the minimum flow and level (MFL) established for Lake Okeechobee, and the projected increase in MFL violations. Because of the uncertainty that surrounds District actions that will be necessitated by adoption of the proposed regulation schedule, it is not clear if a MFL recovery plan will be required or what that plan might include. To the extent that such a plan would reduce water supply availability for users that rely primarily on the lake, there would be significant negative impacts to agriculture in South Florida.

Finally, staff has concerns regarding the modeling and evaluation of alternatives that were included in study, and the overall manner in which the study was conducted. These concerns are addressed in the enclosed staff comments, which also provide additional detail regarding the issues I discussed above.

In closing, I appreciate the opportunity to comment and hope that my comments will be considered in finalizing the regulation schedule for Lake Okeechobee. If there are specific questions about these comments staff should feel free to contact Mr. Ray Scott at (850) 410-6714 or Ms. Linda McCarthy at (561) 682-2845.

Sincerely,

CHARLES H. BRONSON

COMMISSIONER OF AGRICULTURE

Saules H Bronson

Enclosure

cc: Ms. Carol Wehle

# FDACS Staff Comments on the LORSS Draft EIS

The regulation schedule (Figure 7) and the operational guidance (Appendix A) proposed in the document do not appear to be the same as modeled and evaluated. The current WSE operation zones have been eliminated from the proposed schedule and are replaced by a lake stage envelope, an "operational guideline", and non-typical temporary operational bands. The non-typical operational bands were not included in any of the modeled alternatives. A great deal of operational discretion is allowed by the proposed regulation schedule, while the evaluations are based on a model run with less flexible operational assumptions. It appears unlikely that the proposed regulation schedule will perform as evaluated in the draft SEIS. The non-typical operations will result in unpredictable water supplies that will make it impossible for farmers to make reasonable business decisions. They should be removed from the proposed regulation schedule.

The proposed regulation schedule relies on South Florida Water Management District (District) actions that have not taken place but would be required to offset water supply impacts, and the District may not receive the necessary permit to implement those actions. The impacts of the proposed regulation schedule are undetermined if it is approved and the forward pumps are not available at low lake levels. If the District is unable to operate forward pumps and implement a supply-side management schedule that offsets projected water supply impacts, the worse case scenario for water supply shortages needs to be evaluated and addressed in the SEIS.

Additionally, the US Fish and Wildlife Service (USFWS) biological opinion is needed prior to finalizing and implementing the preferred alternative. The USFWS has determined that lower lake levels will have an impact on the snail kite habitat, and if there is a finding of jeopardy the lower levels may not be allowed. If lower lake levels are not allowed there are projected water supply shortages unaddressed in the SEIS.

It is our understanding that multiple runs with different operational constraints of the preferred alternative were produced to show the range of potential performance. The range of potential performance of the preferred alternative is not evaluated in the draft SEIS. Of interest to the agricultural industry is the performance of the preferred alternative with the existing supply-side management restrictions in place (exSSM). Irrigation water supply performance deteriorates from 7 years/15 months of water restrictions in the 07LORS model run to 14 years/38 months with water restrictions in the

exSSM run. Since there was no evaluation of that model run in the draft SEIS, it is unclear if that large of an impact to irrigation water supply would be acceptable to the USACOE. The projected extremely low level of service provided in the exSSM run is not acceptable.

The proposed regulation schedule results in lake stages dropping below the established minimum flow and level (MFL) much more frequently, resulting in MFL violations. A greater potential for MFL violations puts the Lake into a recovery mode and requires that SFWMD revise their MFL rule and develop a recovery plan. Although the components of recovery plan have not yet been considered or developed, repairing the Herbert Hoover Dike as soon as possible will likely be an essential element of it.

**COUNTY: ALL** 

DATE:

8/11/2006

**COMMENTS DUE DATE:** 

9/12/2006

**CLEARANCE DUE DATE:** 

10/3/2006

SAI#: FL200608112709C

**REFER TO:** FL200507251310C

5 gpt 15

MESSAGE: 2006-07543

STATE AGENCIES

COMMUNITY AFFAIRS

ENVIRONMENTAL PROTECTION

FISH and WILDLIFE COMMISSION

X STATE

TRANSPORTATION

WATER MNGMNT. DISTRICTS

SOUTH FLORIDA WMD

OPB POLICY UNIT RPCS & LOC GOVS

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F).
   Agencies are required to evaluate the consistency of the activity.
- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

**Project Description:** 

DEPARTMENT OF THE ARMY, JACKSONVILLE DISTRICT CORPS OF ENGINEERS - DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE LAKE OKEECHOBEE REGULATION SCHEDULE STUDY - CENTRAL AND SOUTHERN FLORIDA FLOOD CONTROL PROJECT AREA, FLORIDA.

To: Florida State Clearinghouse	EO. 12372/NEPA	Federal Consistency
AGENCY CONTACT AND COORDINATOR (SCH) 3900 COMMONWEALTH BOULEVARD MS-47 TALLAHASSEE, FLORIDA 32399-3000 TELEPHONE: (850) 245-2161 FAX: (850) 245-2190	✓No Comment  ☐ Comment Attached  ☐ Not Applicable	No Comment/Consistent  ☐ Consistent/Comments Attached ☐ Inconsistent/Comments Attached ☐ Not Applicable
From: Division of Historical Resources Bureau of Historic Preservation		RECEIVED
		SEP 2 5 2006
Reviewer: Tarrie Maldon	<b>J</b>	OIP / OLGA
Date: 9/21/206		

2006 AUG 15





# FLORIDA DEPARTMENT OF STATE Sue M. Cobb

Secretary of State
DIVISION OF HISTORICAL RESOURCES

Mr. Stuart Appelbaum
Jacksonville District Corps of Engineers
Planning Division, Environmental Branch
P.O. Box 4970
Jacksonville, Florida 32232-0019

September 21, 2006

RE:

DHR No.: 2006-7159/ Date Received: August 14, 2006

Draft Supplemental Environmental Impact Statement (SEIS) for the Lake

Okeechobee Regulation Schedule, Lake Okeechobee, Florida Glades, Hendry, Martin, Okeechobee and Palm Beach Counties

## Dear Appelbaum:

Our office received and reviewed the above referenced project in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended and 36 CFR Part 800: Protection of Historic Properties and the National Environmental Policy Act of 1969, as amended. The State Historic Preservation Officer is to advise Federal agencies as they identify historic properties listed, or eligible for listing, in the National Register of Historic Places, assess effects upon them, and consider alternatives to avoid or minimize adverse effects.

Our review of the Florida Master Site File indicates that no significant archaeological or historical resources are recorded within the project area. Furthermore, because of the location and/or nature of the project, it is unlikely that any such sites will be affected.

If there are any questions concerning our comments, please contact Janice Maddox, Historic Sites Specialist, by electronic mail at <a href="mailto:imaddox@dos.state.fl.us">imaddox@dos.state.fl.us</a>, or by telephone at 850/245-6333. Thank you for your interest in protecting Florida's historic properties.

Sincerely,

Frederick P. Gaske, Director, and State Historic Preservation Officer

aid P. Gale

500 S. Bronough Street • Tallahassee, FL 32399-0250 • http://www.flheritage.com

(850) 245-6300 • FAX: 245-6436

Archaeological Research (850) 245-6444 • FAX: 245-6452

Historic Preservation (850) 245-6333 • FAX: 245-6437

☐ Historical Museums (850) 245-6400 • FAX: 245-6433



800 Dunlop Road Sanibel, Florida 33957-4096

www.mysanibel.com

### AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
<b>EMERGENCY MANAGEMENT</b>	472-3111
FINANCE	472-9615
LEGAL	472-4359
PARKS & RECREATION	472-9075
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397
UTELITIES	472-1008

## October 16, 2006

Yvonne Haberer U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville FL 32207

Dear Ms. Haberer:

### INTRODUCTION

The City of Sanibel respectfully submits the following comments on the Draft Supplemental Environmental Impact Statement ("Draft SEIS") for the 2006 Lake Okeechobee Regulation Schedule ("LORS"), prepared in coordination with the City's Special Counsel, Beveridge & Diamond, P.C.

These comments fall into two distinct categories. First, the City offers specific suggestions related to the Draft SEIS' stated Preferred Alternative. See pgs. 1-7, below. Second, the City offers an extensive critique of the SEIS itself, focusing on the document's repeated failures to fully and fairly assess the impacts of the alternatives set forth in the Draft SEIS and general failure to analyze a reasonable range of alternatives that could meet the project's stated Purpose and Need. See pgs. 8-65, below.

### COMMENTS

# I. RECOMMENDED ENHANCEMENTS TO THE STATED PREFERRED ALTERNATIVE

In announcing the preparation of an SEIS for the management of Lake Okeechobee, the U.S. Army Corps of Engineers ("the Corps") appeared to have acknowledged that significant changed circumstances

mandated formulation of a new Lake regulatory schedule to address the deterioration of the Caloosahatchee River and Estuary. See Draft SEIS at 5. This marked a welcome departure from the 1999 Final Environmental Impact Statement ("FEIS"). The Corps' decision to recognize deterioration of the Caloosahatchee as a critical reason why a new Lake regulatory schedule is needed, and subsequent decision to make improvement of the Estuary a goal of the new LORS, suggested that the Corps was finally going to take seriously the concerns of the Caloosahatchee that were so severely shortchanged in 1999. Having reviewed the Draft SEIS, however, the City is disappointed to find that the Corps has done nothing more than acknowledge that releases from Lake Okeechobee into the Caloosahatchee River may have inflicted harm on the Estuary in the past, and are likely to continue to do so under the proposed new Lake regulation schedule. This is insufficient.

These suggestions are made in the spirit of cooperation extended by the leadership of the Jacksonville District of the Corps to improve the balance among the important environmental, socio-economic and public safety concerns related to the management of Lake Okeechobee. While in no way sufficient to remedy the procedural deficiencies inherent in this Draft SEIS, these common sense proposals would mark important steps toward an equitable sharing of adversity even in the absence of the sound assessment of environmental impacts that is required under NEPA. The City firmly believes that all stakeholders could benefit from an

improvement on the existing WSE, but only where the considerations identified below are taken into account.

The City's position concerning the merits of the Preferred

Alternative (labeled 1bs2-m in the SEIS) is plain: In its current form it
fails to protect the Caloosahatchee Estuary and waters in and around

Sanibel from the harmful releases from Lake Okeechobee. Throughout
the SEIS process, the City has offered concrete suggestions about how that
alternative could and should be modified to provide, at a minimum, a more
evenly distributed burden amongst the various South Florida

constituencies. The following suggestions have been raised previously,
but the Corps has not seen fit to include them in its calculus of project
impacts and alternatives. The City strongly urges the Corps to incorporate
these points in an updated and revised analysis.

# A. Use of All Available Water Storage Lands

lands and publicly-leased private lands that are available for the storage of excess Lake water into the final LORS operational guidelines. At a minimum, the list of over 450,000 acre feet identified by the SFWMD should be identified as emergency storage areas to be used prior to or in conjunction with other scheduled releases to the east, south and west for the purpose of lessening releases to the Estuaries. The final LORS operational guidelines should expressly provide that excess Lake Okeechobee water will be stored on those and other available properties

(as infrastructure allowing its transport to and release from each property becomes available, at least in part through the continuing efforts of the SFWMD) in preference to being released through the Estuaries at rates higher than the rates accepted as biologically sound by regional experts.

The Corps models should be updated to take into account the use of these added storage areas:

B. Reduce Maximum S-77 Discharge Rates at Low Lake Elevations

Calcosabatchee from 4500 and 6500 cfs at S-77 to the biologically acceptable level of 2800 cfs at S-77. The Preferred Alternative, 1bs2-m, would allow the larger discharges even at the relatively low Lake elevations within this band — elevations at which the Corps has identified no danger to public health and safety from the Herbert Hoover Dike. Allowing these elevated and biologically damaging discharges in the lower lake band, however, is not appropriate. One such release occurred in the spring of 1990 (a bass-fishing draw-down of Lake Okeechobee), with disastrous results for both the Lake and Estuary.

C. Restore 3500 cfs as Upper End of S-80 Release Rates

Return the upper discharge limit for the St. Lucie to 3500 efs as measured at \$-80. This is the current value in the WSE, but it was changed to 2800 cfs in the Preferred Alternative without any explanation,

or any acknowledgment that a decrease in flow to the St. Lucie would be offset by an increase in flow to the Caloosahatchee.

# D. Provide for Base Flow to St. Lucie River

E. Authorize Increased Base Flow to Caloosahatchee River
As Appropriate

Alterations to the base flow to the Caloombatchee also could be made in order to give the Corps greater flexibility and to promote the health of the Estuary. Specifically, the proposed base flow could be increased from the current 450 ofs to a sliding scale of 450 to 800 ofs as measured at \$-77 based on salimities in the Caloombatchee River and adjacent Estuary. So long as accommodations are made to account for actual River conditions, this approach could keep the Lake lower with more consistent, low-level, non-destructive releases.

# F. Increase Upper Lake Stage Limit

Management of the upper Lake levels is one of the major differences between the proposed LORS and the existing WSE. The current WSE upper Lake limit is 18.5 feet and has not been interpreted as a performance constraint in the current model. By contrast, the proposed LORS established 17.25 feet as an upper Lake limit. Proposed at that new.

substantially lower upper limit, were eliminated from detailed consideration. See Draft SEIS at 32. As described in greater detail below, this analytical constraint unreasonably restricts the range of alternatives that should have been studied, but as a practical matter, serves to build in greater flows down the Caloosahatchee River in almost any scenario. The City strongly urges the Corps to return the upper Lake stage limit to at least 17.5 feet and then to re-run models and alternative scenarios using that different management assumption.

# G. Reduce Lower Lake Stage Limit

On the other end of the spectrum, the City also supports adopting 12 feet or less as the lower end of the main Lake management range (12-15.5 feet) instead of the proposed 12.5 foot value (12.5-15.5 feet).

Managing the Lake at levels below the proposed 12.5 foot elevation will serve to reduce damaging high flows to the Caloosahatchee Estuary over the long-run.

# H. "Non-Typical Operations" and "Make-up Releases"

In addition to these specific requests, the City has grave concerns over the application of certain categories of releases as part of the proposed LORS. The City describes below the procedural NEPA concerns raised by incorporation of the so-called "Non-Typical Temporary Operations" and the "Make-up Releases" into the Lake management schedule. Even if those procedural errors could be corrected, the more

prudent course would be to either eliminate or drastically alter how these two categories of releases would be implemented.

- (a) Non-Typical Temporary Operations Simply stated, the conditions under which these releases are triggered are overinclusive. Legitimate triggers may include existing undesirable high Lake levels and forecasts of imminent undesirable Lake levels resulting from weather conditions or hydrologic modeling. Other triggers enumerated in the SEIS are not legitimate. These include:
  - long-range or seasonal forecasting;
  - unusual ongoing or planned temporary deviation activities as C&SF Project features;
  - the desire to facilitate a periodic managed recession of the Lake; and
  - simple agreement among State and Federal agencies indicating an undefined "need" for such releases.

Authorizing damaging high-volume releases, especially to the vulnerable Caloosahatchee Estuary, on the grounds of suspicion and expedience cannot be supported. The four categories of triggers should be eliminated from the final LORS and the Corps should rely instead on case-specific temporary deviations when tangible needs are identified.

(b) Make-up Releases - Here, the City's fundamental objection relates to the authorization of these releases only to "tide" (i.e.

instances when otherwise authorized releases are impeded by certain conditions, it seems equally important that releases through the Everglades Agricultural Area ("EAA") to the Water Conservation Areas ("WCAs") also occur as soon as impediments no longer exist. The Corps should either eliminate this category of releases or expand the notion of a "make-up" release to include both releases to tide and those through the EAA to the WCAs.

# II. COMMENTS ON ADEQUACY OF SEIS

#### A. Overview

The "object of NEPA is to require federal agencies to consider environmental values when making decisions [and] the initial responsibility of the federal agency is to determine the extent of the environmental impact." C.A.R.E. Now, Inc. v. Federal Aviation Admin., 844 F.2d 1569, 1572 (11th Cir.1988). According to Council on Environmental Quality ("CEQ") guidelines, the Corps must assess the "environmental impacts of the alternatives including the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, the relationship between short—term uses of man's environment and the maintenance and enhancement of long—term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be

implemented." 40 C.F.R. §1502.16. These requirements ensure that the agency makes a reasoned choice among alternatives. What is perhaps most troubling about the Corps' failure to assess the potential environmental harms to the Caloosahatchee is that it suggests that such reasoned deliberation was lacking in the proposed LORS.

As the City has commented in the past, Sanibel Island's economy and its way of life depend upon the health of the Caloosahatchee River and Estuary. The Estuary provides essential habitat for fish populations that are central to the region's commercial and recreational fishing economies. The City of Sanibel is particularly dependent on the health of the Caloosahatchee Estuary, as tourism generated by the diverse estuarine ecosystem in which it is located is central to the Island's economy. Over 60% of Sanibel Island, or about 6,300 acres comprise the J.N. "Ding" Darling Wildlife Refuge ("Ding Darling"). Ding Darling is part of the National Wildlife Refuge System administered by the United States Fish and Wildlife Service and operated in cooperation with the State of Florida under Management Agreements.

Releases from Lake Okeechobee into the Caloosahatchee River clearly alter the delicate balance of water quality in and around Sanibel. Yet, the Draft SEIS reflects virtually no analysis of the root causes of the City's environmental crisis. First, agricultural run-off that flows into Lake Okeechobee contains large amounts of pollutants, such as nitrogen and phosphorus. These nutrients that cause huge algae blooms when released

to the Estuary, and decaying blooms choke off oxygen to the other existing marine life. Sea grasses – the foundation of the entire food chain of the Estuary – have already died off and fishing and tourism have been severely affected. Oyster beds, commercial clam beds, and other area fish and shellfish, most of which rely on seagrass for food and/or shelter from predators, have been adversely affected.

Second, Lake Okeechobee waters inundating the Sanibel Estuary contain substantial amounts of sediment. This dense sediment settles directly on seagrass beds and blocks sunlight. Sediment is subject to redeposit when the wind blows, and therefore does repeated damage to the Sanibel Estuary as it moves from place to place. Sediment has already killed large areas of seagrass in the Sanibel Estuary.

Third, Lake Okeechobee waters are fresh waters, as opposed to the salt-water nature of the Sanibel Estuary. The massive releases of fresh water from Lake Okeechobee alter the salinity level and threaten the entire salt-water habitat on which many species depend for their very existence. Moreover, this dark, organic-laden fresh water reduces the transmission of the sunlight needed to support the growth of a healthy seagrass habitat.

Huge discharges of Lake water with these harmful characteristics have severely damaged the industries most vital to City of Sanibel's economy including tourism, marine trade, boating and commercial and recreational fishing. Sanibel's quality of life, as well as real estate values, are seriously threatened by the Corps' management of the Lake schedule.

While the Draft SEIS occasionally acknowledges certain of the harms referenced above, nowhere does it provide the detailed analysis required under NEPA. As discussed in detail below, by providing only a cursory discussion of the current condition of the Caloosahatchee Estuary, the Corps has failed to consider an essential problem of the LORS.

NEPA imposes a procedural duty upon agencies to take a hard look at the environmental consequences of their actions. *Ouachita Watch League v. Jacobs*, No. 05-14461, 2006 U.S. App. LEXIS 22565 (11th Cir. 2006) (citing *Ohio Forestry Ass'n, Inc. v. Sierra Club*, 523 U.S. 726, 737 (1998)). Courts have elaborated upon the "hard look" standard and found that an agency has failed to meet the "hard look" requirement of NEPA when it has committed any of the following errors:

(1) the decision does not rely on the factors that Congress intended the agency to consider; (2) the agency failed entirely to consider an important aspect of the problem; (3) the agency offers an explanation which runs counter to the evidence; or (4) the decision is so implausible that it cannot be the result of differing viewpoints or the result of agency expertise. Sierra Club v. United States Army Corps of Eng'rs, 295 F.3d 1209, 1216 (11th Cir. 2002) (quoting Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43 (1983).

The Draft SEIS fails to take the requisite "hard look" required by courts under NEPA; the result is an environmental impact statement that does not completely or fairly assess the environmental harm to the very region that is being asked to bear the brunt of that harm.

The Corps has essentially treated many of the most important issues related to the LORS proposal and key resource impacts as items on

a check-list, and addressed them casually in single sentences or paragraphs. Even where the SEIS discusses environmental impacts in some greater detail, there is rarely if ever any quantitative or substantive analysis. More often than not, the Corps simply makes conclusory statements and then fails to provide any data or scientific source to justify these conclusions.

The Corps must do more than merely acknowledge the problems that releases from Lake Okeechobee have caused in the Caloosahatchee Estuary. NEPA requires the Corps to formulate a reasonable range of alternatives that can actually meet the project's stated Purpose and Need and to subject each of these alternatives to rigorous analysis with regard to expected environmental impacts. NEPA requires both that the Corps consider the environmental impacts that the LORS will have on the region, and ensure that the public is able to evaluate the merits of the proposal. 

The Corps has failed to perform such a rigorous analysis, and the result is an inadequate impact statement that leaves the public without a meaningful opportunity to assess the merits of the LORS, and an arbitrary Preferred Alternative that will continue to disregard the delicate and irreplaceable ecosystem of the Caloosahatchee Estuary.

<sup>&</sup>lt;sup>1</sup> See 42 U.S.C.S. § 4332(C)(i); 40 C.F.R. § 1502.1 ([A]n environmental impact statement . . . shall inform decision-makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment.")

All this is especially troubling because the Corps threatens to repeat a pattern that has nearly destroyed the Caloosahatchee ecosystem in recent years. The 1999 FEIS also was deficient in its analysis of the environmental impacts that the Lake Okeechobee regulation schedule would have on the Caloosahatchee. Despite the Corps' optimistic predictions that the WSE would not harm the Estuary, the severe weather of 2003-2005 resulted in three years of devastating releases of nutrient-rich freshwater into the Caloosahatchee Estuary. Recognizing the damage it had done, the Corps listed deterioration of the Caloosahatchee Estuary under the WSE as one of the principal reasons for preparing a new schedule and corresponding SEIS.

Now the Corps claims to be supplementing the 1999 FEIS in order to remedy the failures of the existing WSE by properly assessing the harms suffered by the Caloosahatchee Estuary as a result of high volume regulatory releases and then developing a revised release schedule capable of minimizing those releases. Yet, the Draft SEIS fails to achieve its single purpose — to provide that supplementary assessment of environmental harms. Just as with the 1999 FEIS, nowhere does the Corps take a "hard look" at the environmental impacts of the LORS on the Estuary.

Perhaps as a result, the Preferred Alternative (and all of the other alternatives considered, for that matter) fail to achieve the Corps' stated goal of relieving the Caloosahatchee Estuary. Instead, the Corps proposes

managers almost unlimited flexibility to release water to the Estuaries in whatever quantities and for whatever durations they see fit, without providing the public with any notice of the environmental ramifications this flexibility could have for the Caloosahatchee Estuary. By failing to provide a serious-minded assessment of the harms that will be visited on the Caloosahatchee system, the Draft SEIS fails, just as the 1999 FEIS failed before it, to provide the decision-maker, the affected communities and the public at large with a true picture of the actual costs of the new schedule. An adequate Draft SEIS could have produced the framework from which the Corps could have settled on a more equitable distribution of both the benefits and burdens of the LORS among the communities of Central and South Florida. For the following reasons, the current Draft SEIS does not.

## B. Failure to Quantify Past Harm to the Estuaries

The Corps originally announced the need for a revised Lake schedule because the current WSE limited releases from Lake Okeechobee when water levels were high, and resulted in damage to both the Lake and the surrounding estuaries. See Draft SEIS at 5-6. In the past several years, the Corps altered the WSE through a series of "temporary deviations," which ended up being more of a permanent change in the WSE than the title implied. The Corps completed one Environmental Assessment, but concluded that the deviations would not result in a

significant impact to the environment. The folly of that conclusion became apparent as the health of the Caloosahatchee Estuary steadily declined. Finally, with that decline undeniable but unquantified, the Corps committed to preparation of a supplement to the 1999 FEIS to detail the environmental impacts of a new schedule.

## 1) Discussion of past harms is entirely qualitative

According to CEQ Guidance, an agency should first establish baseline conditions of the affected environment when evaluating the potential impacts of a proposed action. That has not been done here. The Corps essentially asks the public to take its word that the Caloosahatchee Estuary was harmed without actually documenting what those harms were. While no one would dispute that management of Lake Okeechobee during the hurricane seasons of the past few years has resulted in significant and far-ranging harm to the Lake and surrounding Estuaries, the Corps has a responsibility not only to acknowledge this harm, but also to determine the nature and extent of the damage. How can the public have any confidence that the Corps has adequately assessed the environmental impacts of the proposed LORS, when it has yet to attempt to quantify in any meaningful way the current condition of the Caloosahatchee Estuary?

The Corps' failure to assess adequately the current state of the Caloosahatchee Estuary and the harm inflicted by Lake releases during the recent hurricane seasons creates a fundamental flaw in the administrative process because it allows the Corps to discount this harm when it comes

management proposals. The Corps attempts to mask this deficiency with broad pronouncements regarding the effectiveness of the Preferred Alternative for the new LORS and the impacts it will have on the Estuaries. The Draft SEIS labels releases of up to 2800 cfs as "optimum" but acknowledges elsewhere that releases exceeding 2800 cfs and 4500 cfs have been demonstrated to cause mortality of seagrasses and other organisms in the Caloosahatchee Estuary. See, e.g., Draft SEIS at 78, 84 and 91. An agency violates the "hard look" requirement of NEPA where it "offers an explanation which runs counter to the evidence." Sierra Club, 295 F.3d at 1216 (11th Cir. 2002).

#### a) Salinity

Even more perplexing are the Corps' conclusions regarding the effects of Lake releases on estuarine ecology. Strangely, the most substantial assessment of the environmental impacts of the LORS on the Estuary is found in the Appendix that addresses economic harm.<sup>3</sup> Even this seemingly unrelated section of the Corps' analysis is replete with generalizations and short on specific details. The discussion begins with

<sup>&</sup>lt;sup>2</sup> The Corps' own decisions have been reversed upon findings that key assumptions were not supported by the record. *Hill v. Boy*, 144 F.3d 1446, 1451 (11th Cir. 1998).

<sup>&</sup>lt;sup>3</sup> It is unclear why this discussion only appears in an Appendix discussing economic harm. While the ecological deterioration experienced in and around Sanibel certainly has a number of economic effects, the City believes that this analysis should also be discussed in more detail in the "Environmental Effects" section of the SEIS.

altered freshwater inputs to the St. Lucie and Caloosahatchee estuaries and have adversely affected the structure and function of these sensitive ecosystems." Draft SEIS at D-66. The Corps then references a study by Bulger et al. demonstrating that fluctuations in salinity, when extreme, can interfere with the lifecycles of a variety of organisms and reduce diversity in the Estuary. Id. This study, however, merely purports to assess the impact of salinity in estuaries generally, and in no way explains how changing salinity levels apply to the Caloosahatchee. While the findings of the study suggest that even "moderate releases" can transform estuarine habitats into freshwater habitats "after a few weeks of sustained releases," displacing or killing estuarine species and creating "critically low benthic oxygen levels," the Corps never provides a detailed assessment of how such releases have and will impact the Caloosahatchee.

In the Caloosahatchee Estuary, freshwater inflow and salinity are closely related. Quantifying the temporal and spatial response of salinity to the change of freshwater flows is a critical step in assessing the salinity impact of increased releases from Lake Okeechobee.

One practical approach is to use a mass balance based numerical hydrodynamic model in which flows from different sources and tidal

<sup>&</sup>lt;sup>4</sup> While these releases may be moderate compared to the releases contemplated at higher Lake elevations, the City would dispute the classification of Zone B releases as moderate, considering that they exceed 2800 cfs — a flow level that the Corps acknowledges to be harmful to the Caloosahatchee. Draft SEIS at 84, 91.

effect can be incorporated in the computation. Freshwater sources to the Caloosahatchee Estuary include: the Caloosahatchee River at S-79, the Orange River and other tributaries in the tidal portion of the Caloosahatchee, overland flow, wastewater treatment plant effluents, direct precipitation and groundwater seepage.

The SFWMD has developed a hydrodynamic model for the Caloosahatchee Estuary by configuring the Corps' CH3D model (a very generic code originally developed by the Army Engineers Waterways Experiment Station in Vicksburg, MS for the Chesapeake Bay) to apply to Charlotte Harbor, Florida. The salinity model for the Caloosahatchee Estuary was then excerpted from the larger CH3D Charlotte Harbor model. Subsequently, the Caloosahatchee Estuary portion of the model was calibrated by the SFWMD staff using intensive salinity data collected every 15 minutes at five stations over a period of two and half months from October 15, 2000 to December 31, 2000.

The salinity model calibration results have demonstrated that the model is capable of accurately mimicking field data. The City recommends that this tool be used in assessing the impact of Lake Okeechobee releases on the temporal and spatial distributions of salinity in the Caloosahatchee Estuary. Hydrodynamic modeling of the Caloosahatchee Estuary would constitute an important first step toward a more comprehensive analysis of the LORS' impact on regional water quality.

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Instead of attempting such a substantive analysis, the Corps summarily dismisses any concerns that estuaries might experience long term environmental harm from regulatory releases:

In general, when regulatory releases are terminated, the salinity levels in these estuaries return to the normal range, and the ecosystems begin to recover. The estuarine species that were displaced or extirpated return or are replaced. The recovery period is commensurate with the rate and duration of the freshwater inputs to the estuaries. Draft SEIS at D-66.

The Corps fails to explain and support this remarkably sweeping conclusion.<sup>5</sup> Far many more questions are raised than answered by this superficial analysis.

First, what is meant by "in general"? Does the discussion apply to the Caloosahatchee and St. Lucie Estuaries specifically, or estuaries in general? Are there any studies or modeling results to support the Corps' conclusions as to how the estuaries react to regulatory releases in general, or is this mere supposition? Furthermore, if salinity in the estuaries only generally returns to the normal range, are there any known instances where this has not been the case? If so, what has happened in these atypical instances?

Second, the Draft SEIS states that the ecosystems begin to recover when regulatory releases are terminated, but fails to discuss the consequences of frequent regulatory releases. Draft SEIS at D-66. What

<sup>&</sup>lt;sup>5</sup> It is unclear whether the Corps is still referring to the Bulger et al. (1990) study at this point. The City requests that the Corps clarifies whether these are its own conclusions, or those of a study.

happens when the estuaries' recovery is disrupted by repeated additional regulatory releases?

Third, the Corps claims that the estuarine species return or are replaced, again without any support or explanation. *Id.* Has the return or replacement of species in the Caloosahatchee Estuary been documented in the wake of a regulatory release? How long does this replacement or return take? Is there data to suggest that species populations return to normal? If so, what population levels does the Corps consider to be normal? The reliance on generalities in the Draft SEIS ignores the specific threats posed to endangered species. While certain species with stable populations may be able to rebound from the damage caused by Lake releases, this is less likely to be the case with endangered or threatened species.

Fourth, and perhaps most significantly, the Corps claims that the recovery period for the Estuary is commensurate with the rate and duration of the freshwater inputs. *Id.* This statement provides no detail to permit the city or any other interested party to understand anything about so called "recovery periods." That recovery time could be commensurate with the duration of flow seems a reasonable and logical proposition, <sup>7</sup> but

<sup>&</sup>lt;sup>6</sup> The failure to establish a baseline condition for the Estuary has far-reaching ramifications for the Draft SEIS. See supra, Part ILB.2. While the Draft SEIS concludes that species populations will return to normal, this statement is meaningless unless "normal" is defined.

<sup>&</sup>lt;sup>7</sup> Whether there is any scientific support for such a conclusion is another matter.

that is not what the Draft SEIS asserts. Is there an accepted equation or model for calculating recovery period in an estuary based on duration and rate of input? If this equation exists, does it only account for salinity based recovery, or does it also account for recovery from high inputs of nitrogen and phosphorous, or low oxygen concentrations? If the relationship between recovery time and the duration and rate of releases operates according to such a simple relationship, then it should not be difficult to model the long term impacts of the LORS alternatives on the Estuary. The Corps should clarify its statements regarding recovery time for the Estuaries, both by explaining what it means for the recovery time to be commensurate with the duration and rate of release, and by demonstrating how each alternative performs with respect to short and long term impacts on the Estuaries.

Any assessment of environmental impacts by the Corps must recognize the potential for the Lake schedule to inflict long term damage on the Caloosahatchee Estuary. Even if recovery time is commensurate with the duration and rate of flow, such flows may still cause serious long term harm. Indeed, only three paragraphs earlier, the Corps has already acknowledged that releases from Lake Okeechobee have significantly altered and adversely affected these estuaries. *Id.* As this discussion demonstrates, even where the Draft SEIS discusses environmental impacts on the Estuaries, the analysis is far from sufficient to satisfy concerned parties such as the City that the Draft SEIS has assessed and weighed the

potential harms to the Caloosahatchee Estuary. By providing no support or explanation of its conclusions, the Draft SEIS fails to take the "hard look" required under NEPA.

#### b) Sedimentation

The Corps' discussion of sedimentation in the Caloosahatchee
Estuary further exemplifies the Draft SEIS' flawed impacts analysis. In
two sentences, and without the support of studies or modeling, the Draft
SEIS considers and dispenses with the issue of whether sedimentation
from Lake releases will harm the Estuary:

It appears that the sedimentation effects of the releases on the Caloosahatchee Estuary are less problematic than the nutrient effects of the releases, relative to the St. Lucie Estuary. Red tides (i.e., marine algae blooms) were consistently described during interviews as a more significant ecological and economic threat than freshwater releases from Lake Okeechobee. Draft SEIS at D-77.

In place of a quantitative analysis of how sedimentation harms the estuary, the Draft SEIS instead provides excuses for why a detailed discussion regarding sedimentation is not necessary.

The Draft SEIS relies upon a number of false comparisons that misleadingly suggest that sedimentation is an insignificant environmental impact on the Caloosahatchee Estuary. First, the Corps argues that in the Caloosahatchee, as contrasted with the St. Lucie, nutrients have a greater environmental impact than sedimentation. *Id.* The Draft SEIS does not conclude that the effects of sedimentation on the Caloosahatchee are insignificant, only that they are less significant than in the St. Lucie. *Id.* 

Under NEPA, whether sedimentation causes more or less harm in the St. Lucie than in the Caloosahatchee is of no consequence. The Corps still must assess the environmental harm that sedimentation poses in the Caloosahatchee Estuary. See 40 C.F.R. §1502.16. Second, the Draft SEIS states that nutrient concentrations are likely to have a greater impact on the Caloosahatchee than sedimentation. Id. at 77. The sole support for this statement in the SEIS is that red tides have been described as a more significant threat than sedimentation. Id. Regardless of the merits of this conclusion, NEPA requires the Corps to look at all significant environmental impacts of a project, not only the most significant impact. Lastly, the SEIS notes that releases from Lake Okeechobee are only one of a number of sources for the nutrients that end up in the Caloosahatchee Estuary. Id. Not only does the existence of other sources of matrients fail to excuse the Corps from performing an impacts assessment, it also has no bearing whatsoever upon the Draft SEIS' failure to quantify the harms resulting from sedimentation.

The impact of Lake Okeechobee water releases on the

Caloosahatchee Estuary can be quantified using a numerical sediment

transport model, a technology that has been available for some time,

particularly for estuarine systems. One feasible alternative is the

Indeed, NEPA specifically requires the Corps to assess such cumulative impacts. See supra, Part ILD.

Environmental Fluid Dynamic Code ("EDFC"), which has a sediment transport module to simulate suspended solids concentrations in an estuarine system. While EFDC can be configured to model sediment transport and to simulate total suspended solids concentrations in the Caloosahatchee Estuary, the City recognizes that such a modeling analysis must be supported by a significant amount of data to calibrate the model. Even so, a thorough analysis of the suspended solids data in the Caloosahatchee Estuary is crucial to the success of such a modeling exercise.

#### c) Collective impacts

The Corps' meager impacts analysis also omits an assessment of how the various stressors on the Caloosahatchee Estuary (salinity, nutrients, sedimentation, etc.) may interact to cause greater environmental damage to the Caloosahatchee Estuary than any of these stressors would cause on their own. In the limited instances where the Corps does discuss the potential effects of the LORS alternatives on the Estuary, each harm is treated individually. For example, the Corps discusses the potential impact of Lake releases on salinity, but does not address what effect

<sup>&</sup>lt;sup>9</sup> EFDC, <a href="http://www.epa.gov/ATHENS/wwqtsc/html/efdc.html">http://www.epa.gov/ATHENS/wwqtsc/html/efdc.html</a> (Hamrick 1992, Hamrick and Wu, 1997), is a state-of-the-art hydrodynamic model that can be used to simulate aquatic systems in one, two, and three dimensions. It has evolved over the past two decades to become one of the most widely used and technically defensible hydrodynamic models in the modeling field. While the SFWMD has configured a hydrodynamic model of the Caloosahatchee Estuary using CH3D (the Corps' model), that model lacks EDFC's capability to simulate suspended solids concentrations in an estuarine system.

decreased salinity might have when combined with any of the above listed stressors. See Draft SEIS at 66. The Corps repeatedly refers to 2800 cfs and 4500 cfs as the salinity benchmarks for harm to seagrasses and other organisms in the Estuary. See, e.g., Draft SEIS at 78. However, the Corps does not discuss how these 2800 and 4500 cfs flows would impact phosphorous and nitrogen concentration in the Estuary, or whether the combination of decreased salinity and increased nutrient concentrations and other factors in the Estuary could lead to additional deterioration of the ecosystem.

2) Failure to establish baseline conditions of the Caloosahatchee

Estuary leaves the Corps with no baseline with which to compare the effects of the proposed alternatives. As courts have noted, "[w]ithout establishing the baseline conditions which exist in the vicinity of [the proposed action], there is simply no way to determine what effect the propos[al] will have on the environment, and consequently, no way to comply with NEPA." Half Moon Bay Fisherman's Marketing Ass'n v. Carlucci, 857 F.2d 505, 510 (9th Cir. 1988). The SEIS briefly notes the current condition of the Caloosahatchee Estuary but, as is the case throughout the document, vague and broad statements about the Estuary substitute for the concrete analysis required under NEPA.

For example it is noted that the Caloosahatchee Estuary has deteriorated under the current WSE, but the SEIS provides absolutely no

data to quantify the current condition of the Estuary. See, e.g., Draft SEIS at 78. The SEIS even suggests that some of the damage to the Estuary may have resulted from causes other than releases from Lake Okeechobee. Id. at 83. Again, however, the no studies are cited, and no data is provided to support this assertion. Furthermore, it is unclear whether the Corps intends merely to note that the Lake releases are one of a number of significant causes of the deterioration of the Estuary, or that the impact of the Lake releases is dwarfed by other sources of pollution. Either way, the Draft SEIS should include some analytical support for such a statement, because baseline conditions must form part of the justification for the formulation of alternatives and selection of a Preferred Alternative.

Estuary, the Draft SEIS cannot properly compare the impacts of each of the alternatives to the No Action alternative. The Corps should at a minimum compile data on the current phosphorous and nitrogen content and salinity of the Estuary, the presence of harmful algal blooms, and the populations of indicator species in order to establish a baseline for comparison of the performance of the alternatives. The failure to establish the baseline conditions of the Estuary has other serious consequences. A major purpose of the NEPA requirements for environmental impact statements is to inform the public of the environmental effects of government projects. 40 C.F.R. § 1502.1. As federal courts have noted, an "EIS can be said to constitute a statement which enable[s] those who

did not have a part in its compilation to understand and consider meaningfully the factors involved." Concerned Citizens on I-190 v. Sec'y of Transp., 641 F.2d 1, 5 (1st Cir. 1981). Where, as here, the Corps has failed to assess the baseline conditions of the Estuary, the City, and the public in general, are left without any means to assess a Lake schedule that will plainly result in potentially drastic and harmful environmental impacts.

The Draft SEIS also fails to assess how the proposed LORS will exacerbate the damage inflicted upon the Caloosahatchee Estuary under the current WSE. The Corps has acknowledged that the Caloosahatchee Estuary has deteriorated under the current WSE. Indeed, in the past few years, the Estuary has been at the receiving end of a number of high level releases resulting from deviations from the WSE. Now the Corps has proposed a schedule that it acknowledges will do nothing to reduce either the quantity or duration of high release flows to the Estuary. See, e.g., Draft SEIS at 91. Yet the impacts analysis in the Draft SEIS ignores the issue of whether past harm to the Estuary will be aggravated by the new LORS.

# C. Failure to Assess the Environmental Impacts of the Proposed Alternatives

The Draft SEIS lacks the very analysis that is supposed to form the core of an environmental impact statement under NEPA -- analysis of a

reasonable range of alternatives and the potential environmental impacts of those alternatives on the affected environment.

1) Failure to quantify environmental impacts of alternatives Appendix E contains a simulation of five alternative Lake schedules (including the No Action alternative) using the South Florida Water Management Model ("SFWMM"). The simulation results are summarized for each alternative with respect to Lake Okeechobee, the Estuaries and Bays, the WCAs, and Everglades National Park. Draft SEIS Appendix E-20-30. When discussing the simulation results for Lake Okeechobee, the Appendix notes that it "requires consideration of a wide range of performance metrics including flood protection, lake ecology, and navigation." Draft SEIS E-20. That is, when evaluating the impacts of the various Lake schedule alternatives on Lake Okeechobee, the models must look at a wide range of factors in order to determine which alternative best achieves the stated goals of the project. For example, the Corps utilized current RECOVER performance measures to evaluate how each alternative impacted Lake Okeechobee ecology. Id. The Draft SEIS explains that seasonably-variable water levels within the range of 12.5 and 15.5 feet have been demonstrated under the "stage envelope performance measure" to benefit the plant and animal communities of Lake Okeechobee. Id. While the Draft SEIS reflects analysis to support an alternative that helps maintain Lake levels in this range, when the document addresses the performance of the alternatives under the

SFWMM for the Caloosahatchee Estuary, such analysis is entirely lacking.

On some level, the City cannot comment on the current modeling of the environmental impacts of each alternative Lake schedule on the Caloosahatchee Estuary because the Corps has not done any. The Corps asserts that the duration of the high-flow releases reflected in each alternative is "of concern." Draft SEIS at 84. True enough. While a few paragraphs in the SEIS compare the number and duration of high discharges to the Caloosahatchee under each alternative Lake schedule, this is only a predicate for substantive impacts analysis. NEPA requires that the Corps analyze what the nature and extent of the impacts of the LORS will be. 10

CEQ guidelines require impact statements to consider direct effects of the alternatives. 40 C.F.R. § 1502.16. The SEIS fails to address the direct effects of the LORS on the Caloosahatchee Estuary, instead noting the "great deal of uncertainty regarding the effects of the freshwater releases from Lake Okeechobee on the Caloosahatchee Estuary," but NEPA nonetheless requires an assessment of these impacts. Draft SEIS at D-82. The Corps complains that "[e]stuarine ecosystems are complex, and the linkages between causes (e.g. ecosystem perturbations) and effects (e.g., changes in the structure or function of the ecosystem) are often

<sup>&</sup>lt;sup>10</sup> See, e.g. Defenders of Wildlife v. Babbitt, 130 F. Supp. 2d 121, 138 (D.D.C. 2001) (remanding an EIS because it failed to analyze the impacts of the proposal on wildlife.)

unclear." Id. Having presented the ecological and economic benefits that it claims the LORS will have on Lake Okeechobee, the Corps pays lip service to harms to the Caloosahatchee Estuary.

Elements of an Adequate Quantitative Environmental Impacts
 Analysis

The same rigorous analysis of potential impacts that has been provided for Lake Okeechobee and the EAA should have been provided for the Caloosahatchee Estuary. An analysis of the potential environmental harms that each of the alternatives will inflict on the Caloosahatchee should have included a quantitative analysis of the following:

- how each alternative will impact salinity in the Estuary;
- how each alternative will impact the concentrations of phosphorous and nitrogen in the Estuary;
- how each alternative will impact the oxygen concentration in the Estuary;
- how each alternative will impact turbidity and other factors that affect light transmissivity in the Estuary;
- how each alternative will impact sedimentation and sediment loads;
- the impact each alternative is expected to have upon seagrasses (onset and extent of mortality, each assessed in relation to the above listed stressors, and in relation to all the stressors combined); and

 the impact each alternative is expected to have on the overall estuarine ecosystem, or, at a minimum, to quantify the impact on certain keystone species.

To the extent that the Corps continues to neglect the environmental impacts to the Caloosahatchee Estuary, it helps to create a false comparison of the benefits and burdens of the alternatives, and most importantly, the Preferred Alternative. Benefits to the Lake and the EAA are given quantifiable values, while harm to the Estuary remains vague and indefinite. This failure to assess environmental harms leaves concerned communities along the Caloosahatchee with no criteria to distinguish among the alternatives (or to determine whether any of the alternatives are superior to the WSE for that matter). Similarly, the Corps' broader failure to assess the harms posed to both estuaries leaves the public with the misleading impression that the Preferred Alternative has no down side.

The failure to even attempt to analyze the environmental impacts of the proposed alternatives violates NEPA. CEQ's implementing regulations provide:

<sup>11</sup> This information would help clarify whether the Corps has formulated a sufficient variety of alternatives in the first place. The Corps has acknowledged that none of the alternatives it considered will reduce high flows to the Caloosahatchee. It therefore would seem likely that whatever alternative is adopted by the Corps will fail to achieve listed purposes of the LORS — to improve the health of the Caloosahatchee Estuary and reduce high level flows to the Estuary. This suggests that the range of alternatives formulated by the Corps was too narrow. See, supra, Part ILF.1.

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If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency shall include the information in the environmental impact statement. 40 C.F.R. § 1502.22(a)

Courts have interpreted this section to require an agency "to engage in reasonable research to supply missing information about the negative impacts that a project may produce." Hawaii County Green Party v. Clinton, 124 F. Supp. 2d. 1173, 1190 (D. Hawaii 2000). The Corps never acknowledges that the agency somehow lacked relevant information regarding the environmental impacts of the alternatives on the Caloosahatchee. Nor does the Draft SEIS reflect a claim that the costs of obtaining such information would be "exorbitant." Instead, the Corps appears to believe that its meager impacts analysis regarding the Caloosahatchee is sufficient to satisfy NEPA. If at a later date, however, the Corps takes the position that it cannot obtain the missing information regarding the environmental impacts on the Caloosahatchee, the SEIS still must include:

(1) A statement that such information is incomplete or unavailable; (2) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment; (3) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and (4) the agency's evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community. 40 C.F.R. § 1502.22(b).

Based on information reviewed by the City in preparation of these comments, we do not believe that the information needed to fully and fairly assess Estuary impacts would be unavailable. Current accepted scientific methods can be used to model such impacts.

## D. Failure to Analyze Cumulative Impacts

NEPA requires an analysis of cumulative impacts of a project.

CEQ interpretive guidelines require impact statements to consider cumulative effects of federal actions. See 40 C.F.R. §1508.25(c)(3). A "cumulative impact" is an "impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions." 40 C.F.R. § 1508.7. This requirement ensures that an agency does not look at a proposed project in isolation. Instead an agency is required to examine the way a particular program interacts with other related projects and environmental impacts. The Corps should consider not only the project proposal itself, but also "all connected and similar actions that could contribute to cumulative effects." Considering Cumulative Effects Under the National Environmental Policy Act at 1, CEQ (January 1997).

The need to analyze cumulative impacts is of even greater importance in the Everglades, where the LORS schedule is one part of a far broader plan for restoration of an ecosystem. The Corps has acknowledged that the LORS will significantly impact Lake Okeechobee,

South Florida communities that depend on the Lake for drinking water.

While these regions are all the subject of related CERP projects, the Corps relegates discussion of cumulative impacts to a single paragraph. Draft SEIS at 124-125. This plainly is not sufficient to meet NEPA's requirements. The cumulative impacts discussion is entirely devoid of analysis, and includes a mere acknowledgement that the new schedule is a temporary mechanism that will be in effect until a more "comprehensive solution" is implemented. Draft SEIS at 125. The Draft SEIS lacks any specific predictions as to what the cumulative impacts of the new schedule will be, presumably because such analysis was not performed. 13

1) Failure to assess impacts of past, present, and future actions

The Corps' cursory attempt at analyzing cumulative impacts only serves to highlight the deficiencies of the Draft SEIS. The Corps sensibly has incorporated new management structures that are expected to be in place by 2007 into its modeling of the "No Action" alternative. The Corps appears to take the position that in three years, when it is time to put forward a new LORS, a number of CERP projects will be completed that

<sup>&</sup>lt;sup>12</sup> See, e.g. Sierra Club v. Flowers, 423 F. Supp. 2d 1273, 1334 (D. Fla. 2006); Natural Resources Defense Council v. Hodel, 865 F.2d 288, 299 (D.C. Cir. 1988) ("The FEIS does devote a few more sentences here to the inter-regional effects on migrating species but these snippets do not constitute real analysis; they merely state (and restate) the obvious . . . .").

<sup>&</sup>lt;sup>13</sup> See, e.g. Neighbors of Cuddy Mt. v. United States Forest Serv., 137 F.3d 1372, 1380 (9th Cir. 1998) ("General statements about 'possible' effects and 'some risk' do not constitute a 'hard look."")

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will address many of the water shortage and surplus problems that currently afflict Lake Okeechobee. Until that time, however, the LORS has the potential to inflict severe damage upon the Caloosahatchee Estuary, and the Corps is not excused from assessing the cumulative impacts.

CEQ guidelines require that an EIS include consideration of connected, cumulative and similar actions. 40 C.F.R. § 1508.25. The Corps acknowledges that other projects including the "construction of several large storage reservoirs, reservoir assisted STAs and STAs<sup>14</sup> which would attenuate and treat flows to the Lake and downstream receiving water bodies" are planned, but fails to assess the manner in which the Lake schedule will interact with these projects. Draft SEIS at 125. The EIS also discusses other potential sources of pollution in the Caloosahatchee, but only in passing. In the discussion of water quality in the Caloosahatchee River Basin, the Draft SEIS places some of the blame for the River's degraded condition on agricultural and urban runoff. Draft SEIS at 83. The SEIS then notes that when there are discharges of fresh water from the Lake, "water quality and the salinity of the river can be affected," and that "these effects would be of concern." Id. In place of actual analysis of the cumulative impacts caused by the Lake releases and

<sup>&</sup>lt;sup>14</sup>. While the SEIS assumed only 64,000 acre-feet of water storage, the City has requested that the Corps also consider the availability of additional sites such as the Holey Land and the Rotenberger Tract as emergency water storage areas. *See, supra*, Part LA.

urban and agricultural runoff, the Draft SEIS concludes that Lake releases are "just a piece of the puzzle of water quality conditions in the Caloosahatchee River and Estuary." *Id* Instead of assessing the manner in which Lake releases would interact with other pollution sources in the Caloosahatchee River and Estuary, the Draft SEIS uses the existence of these contributing sources as an excuse not to perform any cumulative impacts analysis at all.

The Draft SEIS's failure to discuss cumulative impacts has important ramifications. By proceeding in a piecemeal fashion with individual projects, and without ever analyzing the cumulative impact of these projects, the Corps fails to address significant obstacles to the restoration of the Everglades. There is no analysis regarding the relief that other parts of the system can contribute to Lake safety, Lake health, and Estuary health. In addition, there is no analysis given regarding temporary storage north of the Lake by temporary deviations from height limits to prevent water creating health and safety problems with the Lake. These other opportunities to reduce Lake elevations need to be captured or, in some cases, re-captured under the Draft SEIS. Perhaps the single greatest constraint on the LORS is the supposed STA flow constraint, which severely limits the Corps' ability to release water into the WCAs. The Draft SEIS's continued reliance, under all conditions, on the "practicability" of discharges through the EAA to the WCAs perpetuates a system under which "impracticability" to the South results in destruction

of the estuaries to the East and West. More creativity needs to be addressed to the conditions under which releases to the South will be considered. It is impossible for concerned parties such as the City of Sanibel, and for the public in general, to assess the merits of the proposed Lake schedule, with little indication from the Corps as to how the schedule will interact with past, present and reasonably foreseeable future government actions.

2) Failure to follow additional CEO cumulative impacts guidance

CEQ has provided in-depth guidance regarding how an agency should go about evaluating the cumulative impacts of a proposed project. 

CEQ has identified eleven steps that an agency should follow as part of its cumulative impacts analysis. CEQ divides these steps into three sections: Scoping, Describing the Affected Environment, and Determining the Environmental Consequences. The two paragraphs that the Corps devotes to cumulative impacts in the Draft SEIS fall far short of the type of analysis recommended by CEQ. A reasonable cumulative impacts analysis normally reflects the following steps:

### a) Scoping

An agency should first identify the significant cumulative effects issues associated with the proposed action and define the assessment

<sup>15</sup> The following discussion references the CEQ handbook Considering Cumulative Effects Under the National Environmental Policy Act (January 1997). This handbook, while not a legally binding document, indicates the degree of detailed analysis expected in a cumulative impacts analysis.

Instead, it has simply acknowledged that "cumulative impacts are likely to occur." Draft SEIS at 124. Next, the agency should establish the geographic scope for the analysis and establish the time frame for the analysis. The Corps repeats the CEQ definition for cumulative impacts as involving "past, present and reasonably foreseeable future actions," but the only time frame it ever provides for its analysis is the 1965-2000 period of record, which critically ignores the past five year as well as any projection into the future. *Id.* Finally, the agency should identify other actions affecting the resources, ecosystems, and human communities of concern. By contrast, the Corps refers generally to a number of future planned projects but does not reference any specifically. *Id.* at 125.

#### b) Describing the affected environment

Next, CEQ recommends that the agency describes the affected environment. As a part of this description, the agency should "define a baseline condition for the resources, ecosystems, and human communities. As discussed in Section II(A)(2) of the Comments, the Corps has failed to establish the baseline conditions in the Caloosahatchee Estuaries. This failure not only compromised the Corps' evaluation of the alternatives; it also prevented the Corps from assessing the cumulative impacts of the LORS.

## c) Determining the environmental consequences

The Corps' cumulative analysis, like its general impacts analysis, stopped short of determining the environmental consequences of the proposed LORS on the Caloosahatchee Estuary. CEQ recommends that an agency determine the magnitude and significance of cumulative effects, yet the Corps has not even identified cumulative effects, let alone assessed their magnitude. CEQ recommends that the agency then modify or add alternatives to "avoid, minimize, or mitigate significant cumulative effects," but the Corps, as discussed later, has not done so.

## E. Failure to Adequately Assess Impacts on Endangered Species

The discussion of the impact of the LORS alternatives on endangered species again demonstrates a disregard for the concerns of the Caloosahatchee Estuary. While the Draft SEIS describes as background the various endangered species in the Lake Okeechobee region and the habitat in which they live, the discussion virtually ignores what should be the focus of analysis — how the LORS will actually impact endangered species.

Indeed, the Draft SEIS discussion of endangered species impacts merely mirrors information from the 1999 FEIS. For example, the Corps appears to have cut and paste a portion of the Fish and Wildlife Section of the 1999 FEIS (pp. 20-30) into the 2006 SEIS. It is undisputed that the Caloosahatchee Estuary continued to decline under the WSE, and was

severely damaged by high water levels during the 2003-2005 hurricane systems, yet the Draft SEIS fails to account for the damage that the previous WSE has wrought. Nor does it seek to address in any quantitative manner how the proposed alternatives would impact endangered species.

What little analysis the Corps did perform is focused almost entirely on Lake Okeechobee itself, while ignoring the Caloosahatchee Estuary. For example, the Corps provides a brief discussion of how the 2000-2001 drought, and the 2004 and 2005 wet seasons impacted the endangered snail kite. See Draft SEIS at 69. By discussing how droughts and hurricanes impact the snail kite's food sources, its habitat, and subsequently it's survival at Lake Okeechobee, the SEIS helps to explain why it is important to keep the Lake water elevation from getting either too low or too high. The Corps' also analyzes how each alternative considered for the new LORS would be expected to impact snail kite populations in Lake Okeechobee. This analysis is notable because it includes actual quantitative analysis and cites to recent studies on snail kites in support of its conclusions. Unfortunately, as is often the case, the Draft SEIS fails to do for the Caloosahatchee what it has done for Lake Okeechobee.

The Draft SEIS' discussion of the smalltooth sawfish exemplifies the tendency to short change the Caloosahatchee. The analysis begins promisingly enough — it references previous and ongoing studies, which

suggest that smalltooth sawfish utilize the Caloosahatchee Estuary, and specifically that juvenile sawfish depend upon such habitat as nursery areas. Draft SEIS at 101. The Corps further acknowledges that "[a] more stable salinity regime may . . . increase the population of small fish and benthic organisms, which are a food source for the sawfish." Id. Yet just when it appears that the Corps is going to provide the same rigorous analysis for sawfish in the Caloosahatchee as it did for the snail kite in Lake Okeechobee, the Corps reverts to an unsubstantiated conclusion that the proposed schedule "may affect but is not likely to adversely affect the sawfish." Draft SEIS 102. The Corps provides no modeling to support this statement. Instead, the Corps simply notes that "although damaging flows above 4500 cfs may increase . . . it is not a substantial difference over the current WSE schedule." Id.

This conclusion is not only unsupported, it is irrelevant. While in the case of the snail kite, the Corps modeled how each of the proposed alternatives would impact the Lake Okeechobee population, no such analysis is performed for the sawfish. The Draft SEIS abruptly shifts from a discussion of the sawfish's need for stable salinity in the Estuary to a discussion of how well the alternatives perform with regard to reducing high damaging flows (and acknowledge that none perform better than the old WSE). There is no discussion of how such high flows affect sawfish populations because there apparently has been no attempt to find out what the impact would be. Had the Corps performed such an analysis it could

perhaps justifiably conclude that the LORS will not adversely affect the sawfish, but as it stands, the Corps' conclusion rings hollow. Equally mystifying is why the proposed LORS cannot possibly adversely impact the sawfish simply because it is not substantially different than the current WSE (a debatable proposition in itself). One could as easily use the Corps' own reasoning to conclude that just as the current WSE has adversely impacted the sawfish, so too does the proposed LORS.

The Corps has failed to do the bare minimum to assess how the LORS will affect smalltooth sawfish in the Caloosahatchee River and Estuary. The National Marine Fisheries Service ("NMFS") has already acknowledged that releases from Lake Okeechobee have led to the deterioration of Charlotte Harbor, which is home to one of the "last remaining populations of smalltooth sawfish U.S. waters." Draft Smalltooth Sawfish Recovery Plan at I-21, NMFS/NOAA (August 2006). NMFS emphasized the need to "minimize or eliminate disruption of natural/historic freshwater flow regimes (including timing, distribution, quality, and quantity) and maintain or restore water quality to ensure the long-term viability of smalltooth sawfish" and its nursery habitat. Id. at III-4. NMFS' findings, as set out in the Recovery Plan, suggest that the Corps has given far too little attention to the smalltooth sawfish in its endangered species analysis.

Using the above example of the sawfish, it may be helpful to generalize what is lacking from the Corps' assessment of impacts to

endangered species. In order for concerned parties such as Sanibel to assess the risks the LORS poses to fish and wildlife in the Caloosahatchee Estuary, the Corps must at a minimum examine the following issues in detail:

- Have endangered species been harmed by the current WSE? And, if so, what about the WSE has caused this harm?
- What can be changed in the Lake schedule in order to eliminate these harms? And, relatedly, how can the Lake be managed in a manner that will protect endangered species?

The SEIS fails to address either of these issues. Having acknowledged that the Caloosahatchee Estuary provides habitat for a number of endangered and threatened species, there is only a single page devoted to discussing how water flow impacts wildlife in the Estuary. Draft SEIS at 78.

Without knowing how, and to what extent, the current WSE has harmed endangered species in the Caloosahatchee Estuary, the formulation of a reasonable range of alternatives to the current WSE is deficient. The Draft SEIS fails to discuss, let alone draw any conclusions, regarding whether the current WSE has impacted endangered species in the Caloosahatchee. The Corps simply acknowledges that flows over 2800 cfs and 4500 cfs have been known to kill seagrasses and other organisms in the Caloosahatchee Estuary and San Carlos Bay. Draft SEIS p. 78. These conclusions (repeated elsewhere in the Draft SEIS) address

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in the broadest terms the environmental impacts of flows to the Caloosahatchee, and do not constitute sufficient analysis of a particular resource, such as endangered species. The Draft SEIS attempts to mask the fact that no independent assessment of the harms the LORS poses to endangered species in the Caloosahatchee has been performed. Many fundamental questions remain:

- What are the organisms that are killed by mean flows >2800 cfs? Which particular seagrasses are killed?
- If flows of this magnitude kill seagrasses, do they indirectly harm the threatened and endangered species that rely on the seagrasses for habitat or food?
- If flows of this magnitude will kill seagrasses and other organisms, what will flows of two and three times this magnitude (which are flow levels contemplated under the proposed LORS) do to these organisms?
- How will the duration of the flows impact these organisms?
- How will the seasonal timing of these flows impact these organisms?

It is therefore not surprising that the Corps' treatment of actual modifications that could be needed to address these impacts is similarly deficient. The Corps has neither considered nor proposed alternatives to the current WSE that it expects to benefit the Caloosahatchee Estuary and the endangered species found there.

#### F. Flawed Alternatives Analysis

CEQ guidelines require federal agencies to "rigorously explore and objectively evaluate all reasonable alternatives." 40 C.F.R. § 1502.14.

The explication of the alternatives in the EIS must be sufficient to permit a reasoned choice among different courses of action. Save Our Sycamore v. Metropolitan Atlanta Rapid Transit Authority, 576 F.2d 573 (5th Cir. 1978). The analysis of alternatives "is the heart of the EIS . . and serves to insure that the decision[-]making body has actually considered other appropriate methods of attaining the desired goal." Druid Hills Civic Asso. v. Federal Highway Admin., 772 F.2d 700, 712 (11th Cir. 1985) (quoting Sierra Club v. Morton, 510 F.2d at 825). The SEIS is flawed because the Corps considered such a narrow range of alternatives that there was, in effect, no reasoned choice among different courses of action.

In the "Project Purpose and Need" section of the Draft SEIS, the Corps recognized the deterioration of the Caloosahatchee Estuary under the current WSE, and set out to "improve the health of Lake Okeechobee and the St. Lucie and Caloosahatchee estuaries" in part through efforts to "[r]educe high regulatory releases to the estuaries." Draft SEIS at 5. Yet the Corps' simulation of the alternative Lake schedules demonstrates that not a single alternative that it considered would reduce the quantity or duration of high flows to the Caloosahatchee Estuary. The modeling results suggest more than a mere failure to achieve the stated goals of the LORS; it suggests a failure to even attempt to achieve those goals.

1) Failure of alternatives to address stated Needs and Goals of the LORS

The City requests that the Corps explain why it did not consider a single alternative that would achieve its goal of reducing high flows to the Caloosahatchee Estuary. While at the beginning of the Draft SEIS, restoration of the Caloosahatchee is listed as an achievable goal of the LORS, near the end of the document it is listed as the only "Unavoidable Adverse Environmental Effect[]." See Draft SEIS at 125. The Agency has not claimed that it is impossible to formulate a Lake schedule that would reduce flows to the Caloosahatchee River. While the Corps has discretion to choose between the alternatives it considers based on the results of their simulation under the performance criteria, the agency has not considered a range of alternatives sufficient to allow the decisionmakers and the public to compare their environmental impacts and assess their performance with regard to the stated purposed of the LORS. Restoration of the Caloosahatchee is an achievable goal; the Corps has violated NEPA by failing to consider a single alternative that can achieve such a goal.16

<sup>16</sup> See, e.g. Van Abbema v. Fornell, 807 F.2d 633, 638 (7th Cir. 1986) ("[T]he evaluation of 'alternatives' mandated by NEPA is to be an evaluation of alternative means to accomplish the general goal of an action."); Muckleshoot Indian Tribe v. U.S. Forest Service, 177 F.3d 800, 813 (9th Cir. 1999) (Remanding an EIS to the Forest Service because it "failed to consider an alternative that was more consistent with its basic (Continued ...)

a) Goal of reducing high flows to the Caloosahatchee Estuary
With regard to the Caloosahatchee Estuary, the Corps has
essentially provided three criteria to assess the performance of the
alternative Lake schedules: (1) the overall volume of releases; (2) the
number of times high discharge criteria are exceeded; and (3) the duration
of high flows. See, e.g., Draft SEIS at 109-110, E-48-49, E-56-58. Under
each of these three criteria, the alternatives considered by the Corps at a
minimum fail to improve upon the No Action alternative, and in many
cases perform worse.

#### i) Volume of releases

As part of its simulation of the performance of each alternative using the South Florida Water Management Model ("SFWMM"), the Corps assessed the mean annual volume of flood control releases during the 36-year period of record. Draft SEIS at E-48. A chart compares the quantity of releases to the WCAs, the Caloosahatchee, the St. Lucie, and other sources under the four alternatives and the No Action alternative. *Id.* The Corps first provides the results of the No Action alternative, which under SFWMM, would have resulted in an average of 387,000 acre-feet of releases to the Caloosahatchee Estuary, had it been utilized over the period of record. *Id.* While a stated goal of the LORS project was to reduce high end flows to the Caloosahatchee Estuary, not a single alternative

<sup>(</sup>Continued ...)
policy objectives than the alternatives that were the subject of final consideration.")

considered by the Corps resulted in a decrease in the mean annual release of water into the Estuary as compared to the No Action alternative. 17

Indeed, every alternative that the Corps considered resulted in considerable increases in releases to the Estuary from that under the No Action alternative. 18

ii) Number of times high discharge criteria exceeded

The Corps also assessed the performance of the alternatives based on how often they resulted in discharges exceeding 2800 and 4500 cfs, respectively. Under the No Action alternative, the Caloosahatchee would have experienced 80 mean monthly flows exceeding 2800 cfs and 34 flows exceeding 4500 cfs. LORS Draft SEIS at E-56. By contrast, not a single alternative considered by the Corps resulted in fewer than 36 flows exceeding 4500 cfs. <sup>19</sup> The stated goal of reducing high flows to the Caloosahatchee has been eviscerated.

## iii) Duration of high flows

<sup>&</sup>lt;sup>17</sup> The simulation of Alternatives 3-B and lors-fwo did result in a decrease in the volume of releases to the Caloosahatchee (and to all other regions as well), but these alternatives were eliminated from detailed evaluation by the Corps. See Draft SEIS at 32.

<sup>18</sup> For example, the Preferred Alternative was simulated to result in an additional 31,000 acre-feet of water released to the Caloosahatchee Estuary as compared to the No Action alternative. *Id.* 

<sup>&</sup>lt;sup>19</sup> The Preferred Alternative, for example would result in an approximately 9% increase in high end flows to the Caloosahatchee Estuary, according to the Corps' modeling. See Draft SEIS at E-56.

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The Corps not only assessed the number of discharges over 4500 cfs, but also evaluated each alternative based on the duration of such releases. The No Action alternative again outperformed the alternatives. It had the fewest number of long duration releases (13-16 weeks) and the second fewest total weeks with a weekly moving average greater than 4500 cfs.

Again, the City makes this comparison not merely to show that the alternatives will harm the Caloosahatchee, but also to demonstrate that the Draft SEIS is deficient under NEPA as a procedural matter, for not considering a reasonable range of alternatives. Under all three performance measures for the Caloosahatchee Estuary, the alternatives performed consistently poorly, and none improved upon the baseline management scenario.

b) Goal of providing base flows to Estuaries

In the "Descriptions of LORS Alternatives" section, the Draft SEIS states that the alternatives evaluated were designed to achieve the following goals:

- zero or close-to-zero days above 17.25 ft.
   Lake elevation;
- a base flow to one or both estuaries to minimize high, damaging releases to the Estuaries:
- a limit on regulatory releases to STA 3/4;
- flexibility for Lake operators to lower Lake stages when needed.

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Draft SEIS at 12. In a span of seven pages, the Draft SEIS shifts the stated goals of the LORS at the expense of the Estuaries. Suddenly, the goal of improving the estuaries is tied solely to the use of base flows to one or both of the Estuaries.<sup>20</sup> This shift is troubling for a number of reasons.

First, it calls into question whether the previously stated goal of improving the health of the Caloosahatchee River and Estuary by reducing high end flows remains an essential element of the project Purpose and Need. If improving the health of the River and the Estuary remains a key component of the proposed action, the agency should explain why the only improvement that is even considered in any of the alternatives is the addition of a base flow of 450 cfs. Instead, the Draft SEIS provides no explanation for why it was determined that 450 cfs was the appropriate base flow:

During the alternative formulation process, data and recommendations were evaluated and the recommended base flow was determined to be 450 cfs to the Caloosahatchee Estuary (measured at S-79) and zero base flow to the St. Lucie Estuary. Draft SEIS at 22.

Not only does the SEIS arbitrarily restrict its formulation of alternatives that would benefit the Caloosahatchee Estuary to a consideration of base flows, but it also dismisses any alternatives from detailed evaluation if they fail to achieve zero or close-to-zero days above Lake elevation 17.25 ft. Draft SEIS at 32. The limiting assumption unreasonably restricts the reasonable range of alternatives assessed by the agency.

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The City requests more information be provided regarding the data and recommendations that led to the conclusion that 450 cfs was the optimal base flow to the Caloosahatchee, and that no base flow to the St. Lucie was necessary in order to reduce high level releases to the Estuaries.

Second, the Draft SEIS has failed to explain how the addition of a 450 cfs base flow could possibly help achieve the goal of reducing high end flows to the Caloosahatchee Estuary. The City and other concerned parties from the Caloosahatchee region had requested a base flow of 800 cfs in the dry season in order to ensure that saltwater does not back up into the Caloosahatchee River when water levels are low. Thus, for those who live near the Caloosahatchee River and Estuary, the purpose of base flows has nothing to do with keeping Lake Okeechobee's water elevation low, and everything to do with maintaining a balanced salinity in the Caloosahatchee.

According to the proposed LORS schedules, the Caloosahatchee Estuary (but not the St. Lucie Estuary) will receive a base flow of 450 cfs when Tributary Hydrological Condition ("THC") is "dry" in the low lake stage. Draft SEIS at A-6. That is, when the Lake is at its lowest elevation, and the weather is at its driest, <sup>21</sup> the Caloosahatchee will continue to

The SEIS notes that if conditions become "very dry", releases to tidewater may be discontinued. *Id.* Not only does the Corps insist on providing approximately half the base flow that was requested by concerned parties, but the Corps also retains the discretion to cut off the base flow entirely, presumably when it determines that the water needs of other regions take precedence.

receive a flow of 450 cfs. This base flow is clearly intended to provide water to the Caloosahatchee River and Estuary when conditions are dry. The Corps acknowledges this purpose elsewhere in the SEIS. The claim that base flows can help achieve its objective of reducing high flows to the Caloosahatchee Estuary is therefore disingenuous. A 450 cfs base flow to the Caloosahatchee Estuary cannot and will not prevent high releases to the Caloosahatchee Estuary.

Third, the Draft SEIS fails to explain why only a 450 cfs base flow was considered, when 800 cfs was requested by a number of concerned parties including the City. The Corps has the discretion to choose whatever base flow it deems optimal. Indeed, if the Corps determined that it was preferable to eliminate any base flows to either Estuary it could presumably do so. What NEPA prohibits, however, is the arbitrary decision to adopt a base flow, while failing to assess the environmental impacts of that decision, or considering any alternatives. This is effectively what the Corps has done.

Fourth, the Draft SEIS fails to explain the disconnect between the goal of providing base flows to one *or both* Estuaries, and the alternatives it formulated, none of which include a base flow to the St. Lucie Estuary. Having listed the need for base flows to one or both Estuaries as goals of the LORS, the agency cannot simply reject every alternative to the Lake schedule that would actually achieve these goals.

#### 2) Presentation of the modeling results

The various flaws in the SEIS alternatives analysis, discussed above, are compounded by the misrepresentation of the modeling results in the text of the Draft SEIS. A number of statements in the Draft SEIS simply are not supported by the modeling that was performed.

Perhaps the most blatant example of this is the pronouncement that the Preferred Alternative provides "a more equal distribution of shared adversity than WSE." Draft SEIS at 35. Such a statement would appear to suggest to interested parties and the public in general that the Preferred Alternative would reduce flows to the Estuaries (which bore the brunt of releases under the old WSE) and increase flows to tide and to the WCAs to create a more equitable distribution. This language gives those without education and training in hydrology (and subsequently, without the ability to decipher the modeling and analysis in Appendix E and elsewhere) the false impression that the Preferred Alternative will mark an improvement for those regions that were harmed the most under the old WSE. Yet the Preferred Alternative, as set out in the Operational Guidance chart, calls for higher releases of water to the Caloosahatchee then were available under the old WSE. Id. at 38. Even in the low range of the chart, the Caloosahatchee can potentially receive up to 4500 cfs flows, which the Corps acknowledges can lead to mortality of seagrasses. While the WSE capped releases to the Caloosahatchee at 6500 cfs until the Lake reached Zone A elevation, the Preferred Alternative allows 6500 cfs flows even

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before Lake levels rise to the "High Lake Management" stage. *Id.* The modeling actually demonstrates that the Preferred Alternative (and all other alternatives considered) will lead to more high end releases and potentially longer durations of these releases than were possible under the WSE.

The Corps' statement also suggests that regions which bore less of the burden under the old WSE would be asked to receive more water under the new LORS. Again, however, an analysis of the Operational Guidance and the modeling of the Preferred Alternative demonstrates that this is not the case. The Preferred Alternative would decrease the mean annual release to the St. Lucie Estuary, and to the WCAs. Only the Caloosahatchee and the L8 release to tide are singled out for an increase in flow, and the Caloosahatchee will continue to receive flows greater than all the other regions combined. See Draft SEIS at E-48. The Corps' decision to release such a large quantity of water to the Caloosahatchee may be within its discretion, but under NEPA it must assess and present the harms that will result from this decision in a manner that does not mislead the public.

## 3) Flaws in Corps' modeling

The Corps acknowledges a number of flaws in the SFWMM that it uses to assess the performance of each of the alternative Lake schedules.

In addition to those flaws that the Corps lists, there are a number of other

important flaws in the SFWMM which may also have skewed the performance results and should have been addressed in the Draft SEIS.

a) Reliance on means in SEIS modeling

Modeling results for the Caloosahatchee Estuary are presented almost entirely as annual means. While this use of averages has obvious benefits as a method of presenting modeling data it has a number of important drawbacks as well. By presenting only the mean data, the Draft SEIS fails to provide the public with an assessment of the performance of the alternatives under extreme conditions (drought or flood conditions). As the past three years have demonstrated, it is as important to assess performance of the alternatives under extreme conditions, as it is to assess them under average conditions.

For example, a chart summarizing a simulation of the "Mean Annual Flood Control Releases" over the 36 year period of record is published. According to the chart, the Caloosahatchee Estuary would have received an average of 418,000 acre-feet of water per year in flood control releases. What is omitted, however, is a discussion of the highest and lowest annual flood control releases during the 36 year period. When performance of the Preferred Alternative was simulated over the period of record, did total releases ever exceed 500,000 acre-feet? 600,000 acre-feet? Has the Corps simulated how the Preferred Alternative would have performed during the hurricane seasons of 2003 through 2005? If so, why are the results not included in the Draft SEIS? If not, how can the Corps

explain its decision to supplement the EIS without accounting for the severe weather that prompted the supplement in the first place? By presenting only the mean annual releases of the Preferred Alternative, the Draft SEIS provides an incomplete picture of how that alternative may perform in the future.

b) Failure to account for annual and seasonal climatic variation Appendix E fails to provide an account of the annual and seasonal variation in flows to the Caloosahatchee Estuary under the alternative lake schedules. Over the 36-year simulation period from 1965 to 2000, climate conditions varied significantly in the study area. Presentation of only the average annual flow releases to the Caloosahatchee Estuary in Appendix E (e.g., 418,000 ac-ft under the Preferred Alternative) does not account for this climatic variability. While the SFWMM model fixes the land use pattern for the entire simulation period, climate conditions play a major role in determining the stage level in Lake Okeechobee and thereby affecting the release rate at various outlets from year to year. For example, it is likely that the total volume of release water to the Caloosahatchee was significantly higher than 418,000 ac-ft during wet years such as 2003-2005. Appendix E does not present any data on year to year flow variation. The Corps should plot the annual release volumes (in ac-ft) for each year of the 36-year simulation period to accurately reflect the full range of variability in flows to the Caloosahatchee Estuary and other release points.

Appendix E also includes charts and tables describing the seasonal variation in the elevation of Lake Okeechobee, but fails to present seasonal data for the Caloosahatchee Estuary. While the volume of water and the mean monthly flows released to the Caloosahatchee Estuary are important information, the Corps should also present plots of the daily mean flow rates to the Caloosahatchee at S-77 and S-79 for the 36-year simulation period. This data would provide a more meaningful summary of the seasonal variation in flows to the Estuary.

#### G. Flawed Application of the Project Purpose and Need

While the City does not necessarily object to the Corps' desire to seek greater flexibility to manage Lake elevation, the Draft SEIS elevates discretion to a goal of the LORS above and beyond the environmental objectives set forth in the project Purpose and Need. This fundamental philosophical shift fails to provide the public with notice of what impact this virtually unfettered discretion may have on the Caloosahatchee Estuary. The City believes that the LORS proposal has so prioritized agency discretion and flexibility, that the Corps is essentially seeking approval to manage the Lake regardless of environmental impacts. This action would violate NEPA's basic principles of fair notice and public participation.

- 1) The proposed LORS give the Corps unlimited discretion
- a) Non-Typical Temporary Operations

In previous years, when the Corps determined that it needed to release flows down the Caloosahatchee River not covered under the WSE, it proposed a temporary deviation from the WSE supported by an independent NEPA analysis. The proposed 2007 LORS eliminates the need to seek deviations from the Lake schedule by incorporating a tremendously broad scope of discretion for Lake managers to adjust the timing, level and duration of releases. Non-Typical Temporary Operations ("NTO's") constitute one such method by which Lake managers could authorize releases outside the range called for under the normal Lake schedule. Draft SEIS at 46. The Corps lists five examples of when NTO's could be implemented - i.e., when LORS operational guidelines could be ignored. Id. at 50. Lake managers can implement an NTO when the Operational Guidance is deemed to be ineffective at lowering undesirable high Lake elevations or when weather conditions (or forecasted weather conditions) are projected to create undesirable high Lake levels. Id. The City understands the Corps' concerns regarding the need for flexibility in managing the Lake, but the proposed NTO's create exceptions that could swallow the rules established by managements zones and other stated LORS principles.

#### b) Make-up releases

The LORS also includes a proposal for "make-up releases" to the Estuaries. Draft SEIS at 47. Under the proposal, the Corps could make up for releases that were prevented or reduced due to conditions downstream.

Id. Once downstream conditions allow, the Corps would be able to release the delayed flows, regardless of whether the Lake schedule provides for them. Inexplicably, the Draft SEIS proposes make-up releases for the Estuaries only, even though releases to the WCAs are always limited to the "maximum extent practicable." There is no justification to exclude the WCAs from consideration for make-up releases.

When coupled with the broad flexibility inherent in the Lake schedule itself,<sup>22</sup> the resulting LORS amounts to a carte blanche for the Corps to release as much water as it chooses for as long as it chooses, into the Caloosahatchee Estuary. The City requests that the Corps eliminate make-up releases from its proposal. In the alternative, if the Corps will not eliminate make-up releases from the LORS, the City requests that the Corps amend its proposal for make-up releases so that Lake managers look first to the WCAs, before releasing more water to the Caloosahatchee.

- LORS purpose fails to put public on notice of environmental

  harms
- a) Failure to model impacts of the NTO's and make-up releases

  The Draft SEIS provided virtually no environmental impact

  analysis for the NTO's and Make-up releases that it proposes in the

  LORS. This oversight is even more egregious considering that under the

<sup>&</sup>lt;sup>22</sup> See supra, Part II.G.2.b for comments regarding the Corps' discretion under the proposed LORS.

current WSE, the Corps was required to assess the environmental impact of each and every proposed temporary deviation. The City requests that the Corps either eliminate its proposal for NTO's, or provide the public with a more detailed analysis of the predicted environmental impacts of the proposal.

 b) Failure to model alternatives under full range of Lake managers' discretion

As discussed earlier, the Corps has assessed the performance of the alternatives based on the overall quantity of releases to the Caloosahatchee Estuary, the number of times that discharges exceed Corps criteria, and the duration of those exceedances. These models fail to account for the much wider range of results is possible than the Corps has modeled because of the flexibility and discretion that is built into the proposed Lake schedules and alternatives. For example, under the Preferred Alternative, the Corps has the flexibility to release as much as 4500 cfs into the Caloosahatchee under "Very wet" conditions when the Lake is at a low elevation. Draft SEIS at A-6. Furthermore, if the Corps is operating the Lake under an NTO, or if it is implementing a make-up release, Lake managers have the flexibility to authorize releases in excess of 4500 cfs. On the low end, the Corps retains the flexibility to release only 450 cfs as a base flow to the Caloosahatchee. Id. Thus, under very wet conditions when the Lake is at a low elevation, the Corps retains broad discretion to authorize releases higher than 4500 cfs and as low as 450 cfs.

The modeling of alternatives performance does not appear to take this inherent flexibility in the Lake schedule into account. The SEIS should have included two additional assessments of the performance of each alternative — one assuming aggressive management of the Lake (authorizing the highest level of releases allowable under the schedule), and another assuming conservative management of the Lake (authorizing the lowest level of releases allowable under the schedule). This additional modeling would have enabled the public to better assess the merits of each proposed alternative relative to the stated project Purpose and Need.

#### H. Flawed Economics Analysis

Unfortunately, just as the environmental impacts analysis in the Draft SEIS focused on Lake Okeechobee while largely ignoring the Caloosahatchee Estuary, the economics analysis again ignores the Estuaries, this time in favor of the Lake, the EAA, and the water needs of South Florida. The Appendix correctly notes that "[e]conomic justification of the revised operating schedule is not required," but having decided to assess the economic performance of the LORS, the Corps should provide the same analysis to the Estuaries, as it does for the Lake and the EAA. An EIS "must be objectively prepared and not slanted to support the choice of the agency's Preferred Alternative." Forty Questions, 46 Fed. Reg. at 18,027.

Yet, even in the Introduction to the economic assessment, it is clear that the economics analysis will focus on the Lake, the EAA, and

urban water supply, at the expense of the Estuaries. See, e.g., Figure 1-4, Draft SEIS at D-12. Appendix D, which contains approximately ninety pages of economics analysis, mistakenly implies that commercial and recreational fishing will be the only significant industries affected by the LORS in the Estuaries.

#### 1) Tourism

The economics analysis mentions tourism just once, and then only to note that it will not be assessed in the Appendix. While the LORS is likely to harm tourism in the Caloosahatchee Estuary, this impact falls outside of the scope of the Corps' analysis:

There are other potential (non-fishing) economic effects from freshwater releases which are also associated with changes in estuarine water quality. These effects could include changes in: (1) waterfront property values if water quality degradation is severe or sustained and (2) the quantity or quality of recreation (and tourism) if the releases discolor the water at beaches or if the releases contribute to algae blooms that limit beach access. These nonfishing effects are beyond the scope of this investigation, but they are current sources of concern to local residents and businesses who enjoy the estuaries and depend on tourists who come to use them. For example, in the spring of 1998 the City of Sanibel received complaints from residents and tourists about the water quality effects of freshwater releases down the Caloosahatchee River and into San Carlos Bay and the Gulf of Mexico. Draft SEIS at D-67.

The Draft SEIS provides an in-depth analysis of the impacts of the LORS on commercial fishing, recreation, and navigation in Lake Okeechobee, because of their critical importance to the regional economy. Similarly, the alternatives' projected economic impacts on both the urban water

supply in South Florida, and agriculture in the EAA are modeled. Yet, having noted that the LORS is likely to impact tourism in the Estuaries, and specifically Sanibel Island, the Draft SEIS nonetheless declines to assess the economic harm that will result. By omitting any discussion of the considerable impact that the LORS will have on tourism in the Caloosahatchee, the Corps has failed to adequately assess socio-economic impacts as required under NEPA.

#### 2) Fishing

Having explained that its economic impacts analysis would only assess the LORS' impact on fishing in the Caloosahatchee, and not tourism, the Corps confesses that even this task had proved too complicated to undertake. While the SEIS presents data describing the state of the commercial and recreational fisheries in the Caloosahatchee, the rest of its economic analysis follows the same unfortunate pattern as the remaining environmental impacts analysis. When it comes time to assess how each of the alternative Lake schedule proposals will affect fishing in the Caloosahatchee, broad generalizations substitute for real analysis, with no supporting data.

A series of tables in Appendix D summarizes available data regarding the size and value of the catches for a variety of commercial fish species in the Caloosahatchee Estuary. See Draft SEIS at D-76-81. The approximate value of the guided sportfishing business in and around the Estuary is calculated. Id. at D-80. The Appendix acknowledges that

City of Sanibel Comments LORS/SEIS

valuation of the commercial and recreational fishing businesses in the Estuary neglects an important aspect of the Estuary's worth:

The Caloosahatchee Estuary has important ecological connections with offshore commercial fish stocks. As described in Nelson (1992), many commercial finfish and invertebrate species use estuaries for critical stages of their development . . . Although the shrimp landings in Table 7-6 are small, there is a significant offshore pink shrimp fishery that is based on Sanibel Island. This fishery is reflected in 1997 pink shrimp landings data for Lee County, which totaled 4,033,537 pounds. The Caloosahatchee Estuary and the area affected by freshwater releases from Lake Okeechobee comprise part of the nursery habitat for this fishery. LORS Draft SEIS at D-77.

Moreover, data presented summarize catches only up until 1997, and thus fail to assess how the fishery has been impacted by the current WSE and the hurricane seasons of 2003-2005 — the driving force behind the SEIS.

The Appendix, having recognized the importance of the Caloosahatchee's fishing industry, offers all too familiar excuses for why it cannot quantify the impact the LORS' impacts on that industry:

The ecological uncertainties compound the economic uncertainties regarding commercial and recreational fishing ... However, the loss of juveniles and loss of habitat due to impacts on seagrass communities may not affect fishing and the economics of fishing for years to come ... The challenge in estimating the economic effects on commercial and recreational fishing in the Caloosahatchee Estuary is further complicated by the need to differentiate between the with-and without-project future conditions in order to isolate the effects of the alternative regulation schedules. Given these considerations, the determination of a dollar value of the effects of the alternative plans is beyond the scope of this investigation. Draft SEIS at D-82-83.

The failure to assess the ecological impacts of the alternatives on the Caloosahatchee Estuary is used as an excuse for why a dollar value cannot be calculated on the harm the LORS alternatives will have on the fishing industry. In its place, the Draft SEIS concludes that "positive economic impacts" are expected under each of the alternatives. *Id.* at D-84. This proclamation is both unsupported and illogical considering the acknowledgement elsewhere in the Draft SEIS that even the Preferred Alternative fails to reduce high level Lake releases to the Caloosahatchee. *See, e.g.*, Draft SEIS at 91.

The City acknowledges the Corps' preliminary assessment that a detailed economic analysis would be challenging and complicated. That does not justify, however, the conclusion that it is "outside the scope of its investigation." Draft SEIS at D-84. The economic impact of the LORS on the Caloosahatchee should be central to the SEIS; the Corps has simply failed to do its work. The Appendix has provided detailed economic modeling of how the Lake schedule alternatives will impact each of these regions. See Draft SEIS, D-13-64. Yet, all the Appendix provides for the Caloosahatchee is more excuses. The Caloosahatchee is being asked to bear the brunt of the releases from Lake Okeechobee, and the Corps has not even made an effort to acknowledge the extent of the economic harm that will result.

#### CONCLUSION

The City of Sanibel appreciates the complexities of deriving and then analyzing the potential impacts of a revised Lake schedule.

Moreover, the City understands that the Corps has substantial discretion in ultimately choosing amongst a range of alternatives for the management of Lake Okeechobee. However, neither the complexity of the problem at hand nor the discretion vested in the agency excuse the faults evident in the Corps' Draft SEIS. The glaring shortcomings identified in this comment letter cannot be fixed by merely adding a few sentences here or there. Implementation of a revised Lake management plan must be predicated upon a detailed analysis of the current state of the Caloosahatchee Estuary and comprehensive assessment of impacts to the Estuary and the waters surrounding Sanibel. Because the Draft SEIS falls short in these basic areas (and others), the agency's decision-making process has suffered — much to the detriment of the City.

Before issuance of a Final SEIS or Record of Decision for the 2007-2010 LORS, the City respectfully requests, at a minimum, that the Corps commit to at least consider one or more alternatives to the proposed LORS that will achieve the project's stated purpose of improving the health of the Caloosahatchee Estuary. To that end, the City requests first that the Corps determine the extent to which the current WSE has impacted the health of the Caloosahatchee Estuary, and that the Corps model the alternatives that it has already considered, as well as any new

City of Sanibel Comments LORS/SEIS

alternatives it formulates, based on how they will impact the health of the Estuary.

Finally, while recognizing that NEPA remains a procedural statute, the City reiterates its request that following specific substantive changes be evaluated and immediately incorporated in any selected Lake management plan implemented in 2007:

- Use all available water storage lands;
- Reduce maximum S-77 discharge rates at low lake elevations;
- Restore 3500 cfs as upper end of S-80 release rates;
- Provide for base flow to St. Lucie River;
- Authorize increased base flow to Caloosahatchee River as appropriate;
- Increase Upper Lake Stage Limit;
- Reduce Lower Lake Stage Limit, and;
- Reconsider "Non-Typical Operations" and "Make-up Releases."

A more equitable sharing of adversity resulting from lake releases depends, in part, on modification of the proposed action.

The Draft SEIS states repeatedly that the new LORS will not solve all the problems in and around Lake Okeechobee, and that only completion of the CERP projects will provide a permanent solution.

While there may be some truth to this assessment, the Corps nonetheless

City of Sanibel Comments LORS/SEIS

has a responsibility to ensure that a Lake schedule is in place in time for the 2007 season that equitably distributes both benefits and burdens between all communities in South Florida. Repetition of the disastrous 2003-2005 releases to the Caloosahatchee Estuary could damage irreparably the waters and environment of our "Sanctuary Island." We urge you to consider these comments carefully.

If you have any questions concerning these comments, you may contact our City Attorney, Ken Cuyler, at (239) 472-4359.

Sincerely,

Carla Brooks Johnston, Mayor City of Sanibel, Florida

Cc: Colonel Paul L. Grosskruger, USACE,
Jacksonville District Commander
Sanibel City Council
Kenneth B. Cuyler, City Attorney
Richard S. Davis, Esq.
Fred R. Wagner, Esq.
Judith A. Zimomra, City Manager
Dr. Rob Loflin, Natural Resources Director

Carol Wehle, Executive Director, SFWMD
Dr. Peter Doering, SFWMD
Dennis Duke, Restoration Program Division Chief, USACE
Pete Milam, Project Manager, USACE
Rob Jess, U.S. Fish and Wildlife
Erik Lindblad, Executive Director, SCCF



## Via Facsimile (850) 487-0801 and U.S. Mail

August 3, 2006

# City of Bonita Springs

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Parks & Recreation Tel: (239) 992-2556 The Honorable Jeb Bush, Governor The Capitol 400 S. Monroe Street Tallahassee, Florida 32399-0001

RE: U.S. Army Corps of Engineers
Tentatively Scheduled Plan
Discharge from Lake Okeechobee / Caloosahatchee River

#### Dear Governor Bush:

Bonita Springs City Council on August 2, 2006 directed that I prepare and send this letter on behalf of the City of Bonita Springs residents, and affected tourists, to respectfully request your assistance relating to the U.S. Army Corps of Engineers regulatory plan for releasing substantial amounts of water from Lake Okeechobee into the Caloosahatchee River.

As background, the U.S. Army Corps of Engineers is in the process of implementing the Lake Okeechobee Regulation Schedule Study (LORSS) in conjunction with the South Florida Water Management District. The understood purpose of the study is to improve water management of Lake Okeechobee for the benefit of the lake and the estuaries. However, as an affected community in the southwest area of Florida, the City of Bonita Springs, along with our other estuarine communities, is concerned that the revisions for the Lake Okeechobee Regulation Schedule. The proposed Schedule actually permits greater discharges of freshwater into the estuaries, further destroying the ability for them to function as a nursery for our waters in the Gulf of Mexico.

A further problem with the Study is that it fails to take into account the Atlantic Multi-decadal Oscillation Cycle (AMO) for this new decade, being dismissive of the new multi-decade wet cycle that has begun. Current data must be used in order for the model to be truly calibrated and take into account each and every decision to discharge.

The Honorable Jeb Bush, Governor August 3, 2006 Page 2

RE:

U.S. Army Corps of Engineers
Tentatively Scheduled Plan
Discharge from Lake Okeechobee / Caloosahatchee River

Bonita Springs is concerned that the Study does more harm to the estuaries because it permits the U.S. Army Corps of Engineers to discharge freshwater from Lake Okeechobee at lower levels. This results in more potential harm to the estuaries when it is not necessary to protect the quality of the Lake or safety of the Herbert Hoover Dike. Ultimately, extreme discharges from Lake Okeechobee into the Caloosahatchee River meets its end to the estuaries, whose gentle waters do not carry it away further, but leaves the freshwater in place to the ultimate deterioration of the ecosystem.

The City of Bonita Springs is respectfully requesting that you intervene on behalf of the coastal communities of southwest Florida by demanding that the Pentagon revise the Lake Okeechobee Regulation Schedule Study (LORSS) model so that the study takes into account the degradation to the Caloosahatchee Estuary caused by the excessive amounts of freshwater discharge and nutrients associated with the release.

Respectfully submitted,

Mayor Jay Arend City of Bonita Springs

cc: Bonita Springs City Council
Mayor Carla Brooks Johnston, Sanibel
Paul Woodley, Assistant Secretary for Civil Works, USCOE,
The Pentagon Via Facsimile Only (703) 697-7401
Col. Robert Carpenter, USCOE

Carole Wehle, Executive Director, South Florida

Water Management District

Gary A. Price, City Manager Audrey E. Vance, City Attorney

Barbara Barnes Buchanan, Assistant City Manager

Daryl Walk, Public Works Manager

Dianne J. Lynn, City Clerk

# CITY OF CLEWISTON

## 115 WEST VENTURA AVENUE CLEWISTON, FL 33440

TELEPHONE 983-1484 AREA CODE 863

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October 12, 2006

Colonel Paul L. Grosskruger, P.E. District Commander Jacksonville District US Army Corps of Engineers 701 San Marco Boulevard Jacksonville, FL 32207-8175

Re: Master Stormwater Treatment Area - Clewiston

Dear Colonel Grosskruger:

It was a pleasure to meet and welcome you as our Jacksonville District US Army Corps Commander during the meeting on September 18, 2006 at the Clewiston Inn. We are truly encouraged about the Corps' latest plan for improving the water quality of Lake Okeechobee and the newest approach to resolving the problems with the Hoover Dike. As you know, the Lake is so very important to this region and vital to Clewiston's fishing and tourist industry. And, public confidence in the integrity of the Dike goes without saying.

If you will recall, we briefly talked about a "visionary" water quality improvement initiative that the City of Clewiston proposed to the South Florida Water Management District (SFWMD) and State of Florida in early 2003. Our proposal was theoretically supported by the SFWMD and they agreed that the benefits could be of regional impact in improving the water quality discharging into the Caloosahatchee River and Lake

The vision was to use approximately 728 acres of state-owned land located adjacent to the City's northern boundary and Lake Okeechobee's Hoover Dike (map at Atch #1) to create a Master Stormwater Treatment Area (MSTA). The foremost objective of the initiative is to address a stormwater quality problem created by the early growth of our city when stormwater treatment was not a development consideration. The proposal is enclosed (Atch. #2) and provides the purpose, background, basic STA system concept, and anticipated benefits of using the 728 acres for MSTA purposes. Sadly, the author, and proponent, Mr. Frank Jones, a Civil Engineer and former City Commissioner, has passed away.

The key "background" point within the proposal is that nearly the entire city of Clewiston and surrounding area was developed in the early 1920's. As such, stormwater treatment facilities are extremely limited and approximately 3,000 developed acres (mostly impervious) discharges to the lake and river without stormwater treatment.

Colonel Paul L. Grosskruger, P.E. Clewiston Letter, Page 2 October 12, 2006

The City tried to acquire the 728 acres in late 2003 from the State of Florida, Bureau of Public Land Administration. The SFWMD provided a letter of support for the land acquisition and noted that the benefits would be numerous, not only to Clewiston, but also for the State. We were disappointed by the response on July 1, 2004, from the state's Chief of Public Lands Administration (Atch #3) advising that the subject property was "reclaimed" lake bottom and that it was state policy not to sell such lands.

Clewiston and the surrounding unincorporated areas are now entering into a time of unprecedented growth. For example, the Bonita Bay Group has publicly announced a new development at our western city limits which will involve nearly 2,400 new residential and commercial units. With Bonita Bay's involvement, the reality of the MSTA vision is much more likely and it now appears we have the perfect opportunity to revisit the issue.

The location of this 728 acre property is ideal for use as a "multi-purpose" MSTA facility which could also serve as a wildlife habitat for amphibians and wading birds. It would create a desirable destination for tourists who would like to see a remnant of the Everglades as it might have appeared years ago. Most important, it would serve to eliminate a long-standing water quality issue within our region. Finally, the creation of this STA could very well mesh nicely with the Corps' plan for improving Lake Okeechobee water quality as the land is already state-owned.

We look forward to working with you and your staff as work continues on the Lake and Hoover Dike. Your consideration and assistance in this MSTA vision is greatly appreciated.

Sincerely,

Mali Chamness Mayor

cc:

SFWMD
City Commission
City Manager
City Engineer
Bonita Bay Group

# Clewiston Master Stormwater Treatment Area and Nature Trail

A VISION FOR THE 728.4 ACRES OF STATE-OWNED LANDS LOCATED BETWEEN THE HERBERT HOOVER DIKE AND THE C-20 AND C-21 CANAL RIGHTS-OF-WAY AND DIKES, HENDRY AND GLADES COUNTIES, FLORIDA.

By M. Franklyn Jones, P.E.

#### The Plan.

These thoughts are presented not as a final plan but a direction in which to proceed to make some beneficial use of the 728.4 acres located north of the C-20 and C-21 canals and south of the Lake Okeechobee levee. (See Exhibit "A" for location) The location of this property would lend itself well to a "multi-purpose" facility for use as a City of Clewiston master stormwater treatment area (STA) and as a wildlife habitat for amphibians and wading birds. It would be a desirable destination for tourists who would like to see a remnant of the Everglades as it might have appeared one hundred years ago.

# Storm Water Treatment Area (STA).

In order to use the 728.4 acres as a master STA, it would be necessary to relocate the Clewiston Pump Station No. 2 that now discharges into C-21 so that it will discharge directly into the 728.4 acre area. Since the area is currently leveed off, it would only require the construction of a spillway near the northwest corner to discharge into C-20 near the S-4 pump station intake bay. The existing culverts through the levee to drain the area would need to be removed. The relocation of the pump station to discharge directly into the 728.4 acres would also require some canal and culvert improvements in the Clewiston Drainage District in order to bring the water to the pump station's new location. If this work were coordinated with the relocation of control structure S-169, the discharge tubes from Clewiston Pump Station No. 2 could cross C-21 on the fill for the S-169 structure, and thus reduce the number of crossings of C-21. (See Exhibit "B" for STA benefits).

## Natural Area.

Because this location is in a low-lying area that was formerly a portion of the bottom of Lake Okeechobee, it now remains wet or flooded for a large portion of the year. With this condition, the property would be ideal for a natural habitat and as a remnant of the Everglades. However, all the existing exotics would need to be removed. A large portion of the area is covered by Melaleuca trees, which have been sprayed and killed, and other exotics such as the Florida Holly.

The area would then need to be planted with the flora normally found in the original Everglades area, which would provide ideal habitat for amphibians, wading birds, and other wildlife. If Cypress trees were planted in the area, it could possibly become a rookery for some wading birds.

ATO #2

## Tourist Destination.

The area is located adjacent to the levee where a proposed Lake Okeechobee Walking Trail is to be constructed as well as adjacent to a proposed trailhead for the walking trail. This location would be ideal for construction of a boardwalk through a swamp for those who use the trail. It could also be a destination for tourists visiting in the area who would like to see the Everglades as it used to be. Construction of the boardwalk, of course, would be dependent upon the creation of this as a natural habitat area.

## Waterfront Development.

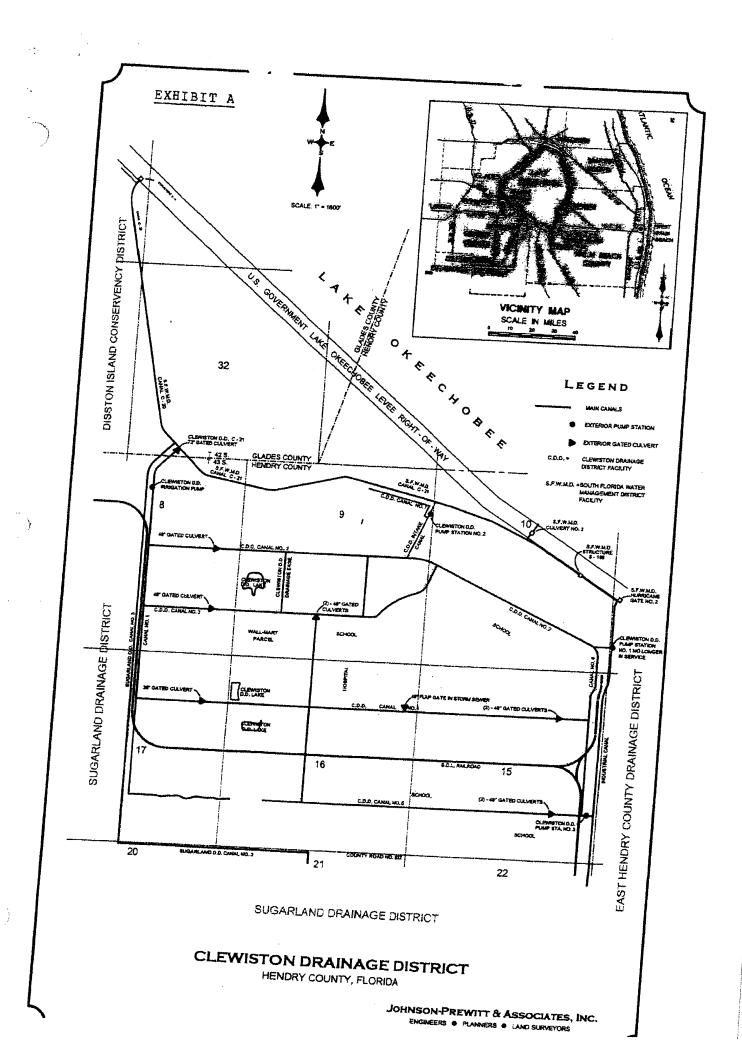
With the relocation of S-169 and the Clewiston Pump Station No. 2 to the west, it would open the south side of C-21 as a waterfront development area for the City of Clewiston. This would serve to enhance recreational activities for the city and increase our tax base. The City of Clewiston is located adjacent to the only lock that remains open for the majority of the year. Therefore, the development would also create additional boating and tourist traffic into the area, which would enhance commercial activity within the city as well.

## Disclaimer.

While portions of this have been discussed with individuals from various organizations, the thoughts and opinions expressed in this paper are those of the writer only and do not purport to be those of anyone else. This paper has not been reviewed, endorsed, or approved by any organization, committee, or governmental agency.

While there are many benefits to be derived from development of the 728.4 acres along the lines suggested, this project would require a large sum of money to complete as outlined. None of this money has been committed to date by any group, organization, or agency. In addition to the cost of this project, it would also require a number of permits from several state agencies as well as federal agencies in order to be carried out as envisioned. None of these have been applied for to date.

M. Franklyn Jones. P.E.



# CITY OF CLEWISTON Master Stormwater Treatment Area

#### EXHIBIT B

#### Purpose

The City of Clewiston is proposing to provide a master storm water treatment area (MTA) for the lands within the municipality. Attached is a survey showing the major drainage features within the city, the proposed STA, and South Florida Water Management District facilities which accepts storm runoff discharged by the city.

#### Background

The City of Clewiston is located along the shore of Lake Okeechobee. The city contains approximately 3,000 acres. The majority of the city is located within an area platted and developed in 1920. This area has little or no storm water treatment facilities. Land uses vary and encompass residential, commercial, and industrial uses. A small portion of the city has been developed in more recent years. These areas are commercial and residential. In this smaller area, storm runoff is typically treated onsite prior to discharge. The remainder of the city is agricultural. These areas are predominately improved pasture and sugar cane production. These areas discharge without storm water treatment.

Stormwater runoff is collected by City of Clewiston facilities. Typically, these collection systems are storm sewers constructed along road right-of-ways. The runoff is discharged into canals maintained by the Clewiston Drainage District. The Clewiston Drainage District's boundaries match the corporate boundaries of the City of Clewiston. The Clewiston Drainage District utilizes pumps to lift the storm runoff and discharge offsite.

The fate of discharged runoff is controlled by the SFWMD. When Lake Okeechobee's stage is less than 15.5 feet the discharge enters the lake via Hurricane Gate Number 2. When the lakes stage exceeds 15.5 feet the discharge is directed through C-21, C-20, and eventually discharges into the Caloosahatchee River (C-43). During extreme events in addition to these discharge routes the S-4 pump station lifts the storm water into Lake Okeechobee. The operation of these SFWMD facilities by the SFWMD and the ultimate receiving body have little impact on the drainage facilities serving the City of Clewiston except during extreme events when the SFWMD system's capacity is exceeded by the rainfall event.

#### Proposed System

The City of Clewiston proposes to provide a master STA for the entire city. The area will treat runoff from the older section of town, which currently has little or no treatment, and the system will provide treatment for the areas of town not yet developed. The system will be similar to the large residential developments which utilize a master storm water treatment area.

The city has identified an area of undeveloped land adjacent to the city's northern boundary. The tract is bound by the USACOE Lake Okeechobee levee (Hoover Dike) and the SFWMD's Canal C-20. The tract has two owners: United States Sugar Corporation and the State of Florida. The City of Clewiston and the Clewiston Drainage District would jointly permit the proposed storm water treatment area. The existing Clewiston Drainage pumps will be relocated to discharge across the C-21 Canal into the storm water treatment area. The storm water treatment area would utilize detention and plant uptake to treat runoff. Discharge from this basin could then be routed by the SFWMD utilizing the existing structures to the same receiving bodies.

#### Benefits

The benefits of this system are numerous. Citizens, businesses and the South Florida Eco System would all receive benefits from the proposed master STA.

Untreated runoff from the city can be treated. This plan will improve the water quality of the city's runoff. Many of the commercial areas in the city have 100% impervious coverage of their lands. These areas have no opportunity to provide water quality treatment. Due to the size of the companies in the industrial area of the city it is unlikely regulatory rules will cause these businesses to treat their runoff. The residential portion of the city is also not likely to have any regulatory action to cause onsite treatment of runoff. By creating the master treatment, runoff from all of these lands will receive treatment before entering South Florida's eco systems.

Many of the commercial businesses in town which treat storm water utilize small detention systems. These systems are often not maintained in the best working order. The systems create mosquito breeding grounds and odd parking configurations. The master detention system will be maintained by government forces who understand the value of the system. The location is isolated and will minimize the impact to mosquito control and traffic routing.

Currently the city discharge rate is limited. During severe storm events the undeveloped areas (agricultural) of the city can be used to store storm runoff while the developed areas are drained. As the city grows the demand for storage will increase while the available temporary storage areas decrease. The proposed treatment area can be used to attenuate storm runoff quantity. This would allow the Clewiston Drainage District to increase pump capacity and maintain the current level of service provided to residents.

The receiving bodies (Caloosahatchee River, Lake Okeechobee) for storm runoff are important parts of the South Florida Eco System. This plan will provide treatment of runoff before being directed to natural systems.

#### Conclusion

By providing a master storm water treatment area the City of Clewiston can benefit local residents and businesses as well as South Florida's Eco System.

Hendry County Property Appraiser - Interactive Record Search & GIS Mapping System -

HOME

FDEP/LAND ADMIN.

Fax: 850-245-2767

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P. 02



jeb Bush Governor

# Department of Environmental Protection

Ptirjory Stonemen Dauglas Building 3900 Commonwealth Boulevard Talahassee, Florida 32399-3000

Colleen M. Carette Secretary

July 1, 2004

Ms. Ruth P. Clements, Department Director Land Acquisition South Florida Water Management District P.O. Box 24680 West Palm Beach, Florida 33416-4680

Subject: Land Donation - City of Clewiston

Dear Ms. Clements:

This letter is in response to your request, on behalf of the City of Clewiston, for a donation of approximately 728 acres of state-owned land located north of the C-20 and C-21 canals and south of the Lake Oksechobec levee, in Glades and Hendry Counties. According to you, the proposed use for the parcel is to be a master stormwater treatment area and wildlife habitat.

Our Title and Land Records section has determined that the subject property is state owned and is reclaimed take bottom. Our policy at this time as directed by the Board of Trustees is not to sell these type lands. In addition, we do not recommend granting a lease or an easement over the subject parcel for the proposed use of a master stormwater treatment facility as it could result in potential detrimental affects.

If you have any questions or need additional information, please do not hesitate to contact Erica Catalano at (850) 245-2720.

Sincerely,

Scott E. Woolam

Chief of Public Lands Administration

/sew

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HATURE SAVER* FAX MEMO 81616	Date 7/1/OL pages > \
"Wendall Johnson	Porth Clements
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Fa'863-983-7222	Fax #

TOTAL P.01

ATTh #3

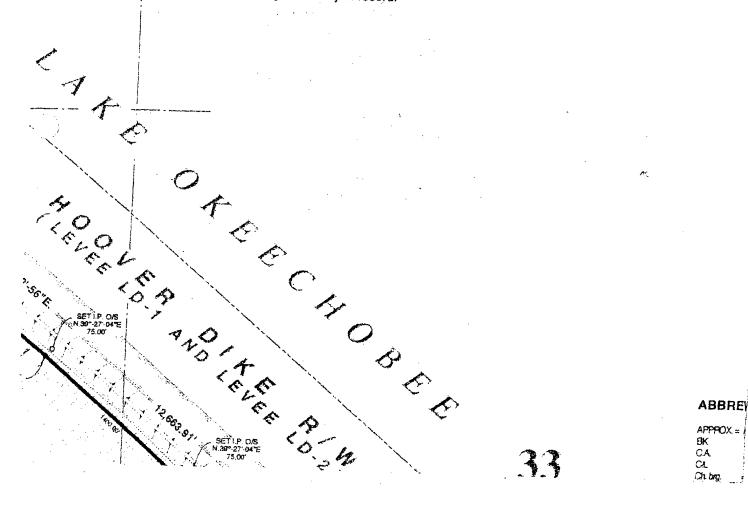
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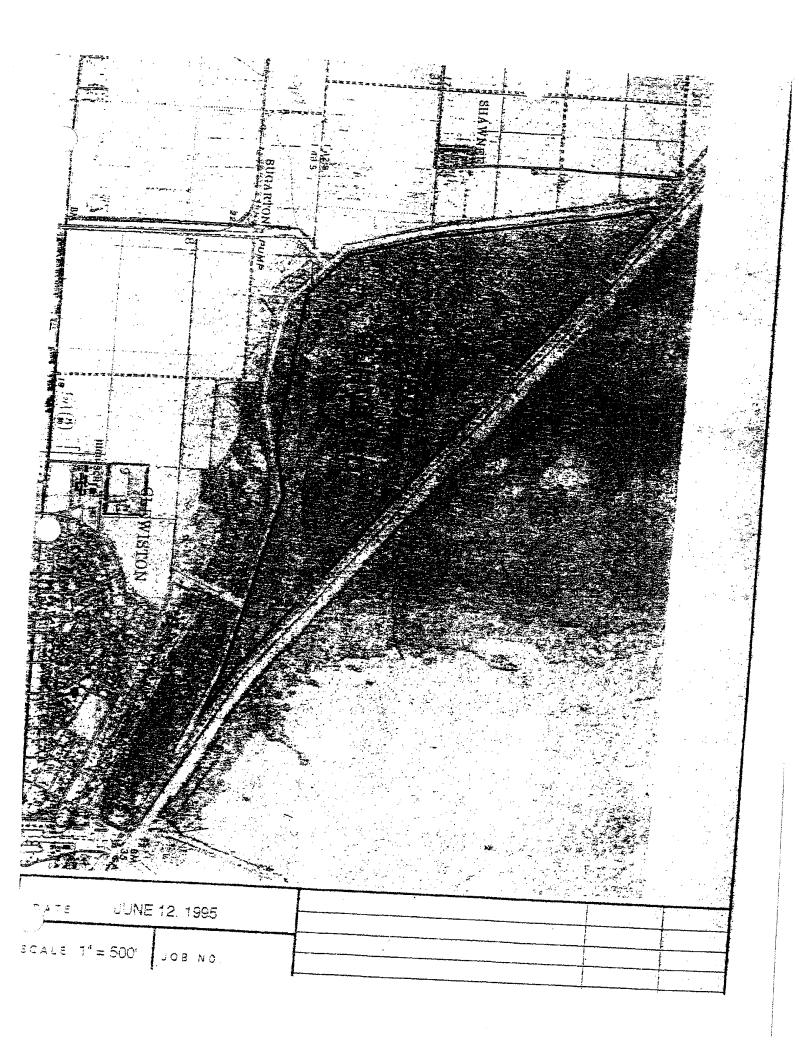
A triangular parcel of land lying in the unsurveyed portions of fractional Sections 30, 31, and 32, and unsurveyed Sections 29 and 33, Township 42 South, Range 34 East, Glades County, Florida, and also lying in the unsurveyed portions of fractional Sections 8, 9, and 10, Township 43 South, Range 34 East, Hendry County, Florida, being bounded on the northeasterly side by the southwesterly right-of-way line of Hoover Dike (Levee LD-1 and Levee LD-2), being bounded on the southerly side by the northerly right-of-way line of Canal 21, and being bounded on westerly side by the easterly right-of-way line of Canal 20 and Structure S-4 (as described in FCD OR Book 46, pg. 915).

LESS the portions of that certain parcel of land as described in Deed Book 14, page 440, Public Records of Hendry County, Florida which lies north of the said north right-of-way line of Canal 21.

Containing a net area of 728.40 acres, more or less.

Subject to all easements and rights-ef-way of record.







# SOUTH FLORIDA WATER MANAGEMENT DISTRICT

3301 Gun Club Road, West Palm Beach, Fiorida 33406 • (561) 686-8800 • FL WATS 1-800-432-2045 • TDD (561) 697-2574 Mailing Address: P.O. Box 24680, West Palm Beach, FL 33416-4680 • www.sfwmd.gov

August 18, 2003

riger of the

Mr. Edward Wood, Bureau Chief, Division of State Lands Bureau of Public Land Administration Department of Environmental Protection 3800 Commonwealth Blvd, Carr Building, #130 Tallahassee, FL 32399-3000

CITY MANAGER

Subject: Land Donation - City of Clewiston

Dear Mr. Wood:

Recently, the City of Clewiston approached the South Florida Water Management District with a visionary plan for the use of 728 acres of State owned land that is currently neither leased nor utilized. The location of the property, north of the C-20 and C-21 canals and south of the Lake Okeechobee levee, is ideal for the innovative Clewiston multi-purpose facility.

The Clewiston plan incorporates usage of the State property as a master stormwater treatment area for lands within the municipality and a wildlife habitat. The benefits of such a plan are numerous not only to the citizens of Clewiston but also for the State. The creation of a master treatment area will result in an improvement of the water quality prior to discharging into Caloosahatchee River and Lake Okeechobee. The wildlife habitat would be a desirable destination for State citizens and tourists who would like to see a remnant of the Everglades as it might have appeared one hundred years ago.

I have enclosed for your information the boundary survey and legal description of the property, the County Appraiser printout, a GIS map and a summary of Clewiston's plan.

The District has committed to assisting Clewiston in seeking a donation of the State property for this environmental purpose. After review of this package, please contact me to discuss how Clewiston and the District can proceed in making this vision become a reality.

Thank you for your assistance in this matter.

Sincerely.

Ruth P. Clements Department Director Land Acquisition

RPC/bm Enclosures

W. Johnson, Clewiston City Manager w/o enclosures

P. Mac'Kie, Deputy Executive Director, Land Resources w/o enclosures

B. Howard, Director, Greater West Coast Dept, w/o enclosures

R. Brown, Director, Okeechobee Svc Center, w/o enclosures

EXECUTIVE OFFICE



# City of Fort Myers Warren Wright Councilman Ward 1

July 31, 2006

Mr. Pete Milam Project Manager U.S. Army Corps of Engineers 701 San Marco Boulevard, 4th Floor Jacksonville, Florida 32207

Dear Mr. Milam:

In the months after the Army Corps began releasing large amounts of water into the Caloosahatchee, the ecosystem of the waters in Southwest Florida have been drastically changed.

The nutrients found in this water have greatly impacted the water quality. Recently, five different kinds of algae blooms have appeared in the Caloosahatchee Estuary. This not only has an effect on the fish and wildlife that inhabit these waters, it also hurts those who are interested in fishing or who make a living from the tourism industry.

The Army Corps' current Tentatively Selected Plan, or TSP, is going to continue to severely damage the fragile ecosystem of the Caloosahatchee Estuary. In order to alleviate the estuary and inhibit the amount of damage done to this waterway, the Army Corps TSP must be altered to recognize the considerable damage that has already been done to the estuary.

The Army Corps biologists have recommended an amount of water that can be released from Lake Okeechobee and still maintain healthy waterways. However, the TSP for 2007-2010 will release polluted water into the Caloosahatchee at a greater rate than suggested by these biologists.

In order to ensure that these measures are followed, and to allow for increased oversight of the water releases, the language of the proposed schedule should prohibit any water releases greater than the amount proposed by biologists. The release schedule followed by the Army Corps should reflect the most current data and their biologists' recommended release amount.

There are opportunities to relieve the stress that the Caloosahatchee River and the estuary are currently experiencing due to water releases. The South Florida Water Management District currently owns or leases 450,000 acres of land that could possibly be used for water storage. In addition, the TSP does not propose managing water levels through small, multi-directional water releases. Utilizing both the land for emergency water storage and alternate methods of water release will take the burden off of the Caloosahatchee and its already fragile estuary.

The Caloosahatchee River and the estuary must be protected. The local economy is reliant on these waters through both the tourism industry and the fishing industry. We cannot afford to

You must be the change you wish to see in the world.

- Mahatma Gandhi (1869-1948) Indian nationalist leader lose this most precious environmental and economic resource to the damaging effects of increased water releases from Lake Okeechobee.

Sincerely,

Worn Wayth Warren J. Wright Councilman Ward 1 City of Fort Myers

cc:

Commissioner John Albion, Lee County District 5 Mayor Jay Arend, City of Bonita Springs Councilwoman Dolores Bertolini, City of Cape Coral Mayor Dennis Boback, Town of Fort Myers Beach Councilman Alan J. Boyd, Jr., City of Cape Coral Councilman Steve Brown, City of Sanibel Governor Jeb Bush, State of Florida Colonel Robert M. Carpenter, Commander, USACE Councilman Timothy Day, City of Cape Coral Vice Mayor Mick Denham, City of Sanibel Mr. Dennis Duke, Chief of Restoration, USACE Mayor Eric Feichthaler, City of Cape Coral Councilman Alex Grantt, City of Bonita Springs Commissioner Tammy Hall, Lee County District 4 Commissioner Bob Janes, Lee County District 1 Councilman Jim Jeffers, City of Cape Coral Councilman Jim Jennings, City of Sanibel Mayor Carla Johnston, City of Sanibel Councilman John Joyce, City of Bonita Springs Commissioner Ray Judah, Lee County District 3 Councilwoman Alex LePera, City of Cape Coral Councilman Patrick J. McCourt, City of Bonita Springs Vice Mayor Don Massucco, Town of Fort Myers Beach Councilman Charles Meador, Jr., Town of Fort Myers Beach Mr. Pete Milam, Project Manager, USACE Councilman Ben Nelson, Jr., City of Bonita Springs Councilman Garr Reynolds, Town of Fort Myers Beach Councilman Mickey Rosado, City of Cape Coral Councilman Tom Rothman, City of Sanibel Commissioner Doug St. Cerny, Lee County District 2 Councilman Bill Schenko, Jr., Town of Fort Myers Beach Councilwoman Martha C. Simons, City of Bonita Springs Councilman Richard Stevens, City of Cape Coral Ms. Carole Wehle, Executive Director, SFWMD Mr. Paul Woodley, Jr., Assistant Secretary of the Army for Civil Works, USACE



13081 MILITARY TRAIL
DELRAY BEACH, FLORIDA 33484

July 13, 2006

Col. Robert Carpenter
U. S. Army Corps of Engineers, Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207

Mr. Kevin McCarty, Chairman South Florida Water Management District 3301 Gun Club Road West Palm Beach, FL 33406

Dear Col. Carpenter & Chairman McCarty:

Attached, please find RESOLUTION 06-01 approved by the Lake Worth Drainage District (LWDD) Board of Supervisors. We respectfully request that the U. S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD) more conscientiously evaluate the impacts of the proposed Tentatively Selected Plan (TSP) on the water user community.

Board of Supervisors
C. Stanley Weaver
Kermit Dell
John I. Whitworth III
Murray R. Kalish

Andy Edwards Secretary/Manager William G. Winters Assistant Manager Ronald L. Crone

Perry & Kern, P.A.

Attorney

LWDD supports Lake Okeechobee "alternatives" that maximize protection of existing permitted water allocations, minimize the potential for short term water supply shortages, and assures the predictability of a continued and reliable water supply throughout the planning horizon as alternative water supplies are identified and developed to replace the water currently existing in Lake O. We recognize and appreciate the efforts of the USACE and SFWMD to improve the water management regimens to better manage the lake for multiple purposes.

As you are aware, LWDD is responsible for water conveyance from the regional system to numerous water utilities that supply water to over 750,000 people, 10,000 acres of agricultural lands and protecting the aquifer from saline intrusion. We continually participate in efforts to balance all of the water needs of the region on both State and Federal levels.

We respectively request that this letter and the attached RESOLUTION be entered into the "official" record as part of the public comment on the TSP to revise the current Lake Okeechobee WSE management schedule.

Sincerely,

William G. Winters, Manager Lake Worth Drainage District

#### LAKE WORTH DRAINAGE DISTRICT

#### **RESOLUTION NO. 06-01**

#### LAKE OKEECHOBEE REGULATION SCHEDULE

WHEREAS, the Lake Worth Drainage District (LWDD is a public body and political subdivision of the State of Florida, created pursuant to Chapter 298, Florida Statutes and currently operating under Chapter 98-525 and amendments thereto; and

**WHEREAS,** LWDD relies on Lake Okeechobee for secondary water supply and is responsible for the conveyance of regional water to support numerous municipal water utilities, 10,000 acres of prime agriculture land and 750,000 residents.

WHEREAS, the U.S. Army Corp of Engineers (USACE) and the South Florida Water Management District (SFWMD are considering multiple alternatives to revise the Lake Okeechobee Regulation Schedule by lowering Lake water levels (the "Lake O Alternatives"); and

WHEREAS, certain of the Lake O Alternatives have the potential to significantly impact and lower available water allocations for existing permitted users to rely upon water from Lake Okeechobee as a primary or secondary source of water, including the Agriculture Community, the Seminole Tribe, Local Government Utility Service Providers, Special Water Districts, and individual residents and businesses utilizing their own wells (collectively, the "Water Use Community"); and

**WHEREAS,** the State water supply goal, as set forth in Florida Statute §373.0361, states "The level-of-certainty planning goal associated with identifying the water supply needs of existing and future reasonable-beneficial uses shall be based upon meeting those needs for a 1-in-10-year drought event;" and

WHEREAS, the reduction of available water supply from Lake Okeechobee to meet the existing permitted needs of the Water Use Community (not including future water needs, which will be addressed by Alternative Water Supply projects) poses a significant and immediate potential threat to public health, safety and welfare, which must be taken into account in the determination of the Lake O Alternatives; and

WHEREAS, the Board of Supervisors of Lake Worth Drainage District recognizes that water supply is but one of the significant public health, safety and welfare concerns that must be weighed by the USACE and SFWMD in considering the Lake O Alternatives, which include the environmental health of Lake Okeechobee, the health of the flora and fauna, which make Lake Okeechobee home, the health of the Everglades, the health of the Caloosahatchee and St. Lucie Estuaries, and the integrity of the Herbert Hoover dike and safety of surrounding

communities; and further want to assure that in evaluating and revising the Lake Okeechobee Regulation Schedule, meeting the environmental and economic water supply needs of the region should be included as a significant goal and balanced with other objectives; and

**WHEREAS,** the SFWMD is proposing rulemaking on Regional Water Availability, which will further limit the availability of water from Lake Okeechobee; and

**WHEREAS,** the SFWMD is proposing modifications to the Supply Side Management Rule for the Lake Okeechobee Service Area, which will further limit the availability of water from Lake Okeechobee; and

**WHEREAS,** the Water Use Community does not have the ability to readily replace loss of existing Lake Okeechobee water supply, given that alternative water supply infrastructure projects take up to 8 to 10 years to design, obtain environmental permits, finance and construct; and

**WHEREAS,** the SFWMD already has eliminated further water withdrawals from the Regional Water System, and has required the Water Use Community to incorporate alternative water supply sources into new and modified permits to provide supply for future water demands; and

**WHEREAS**, the Water Use Community has already submitted to the SFWMD alternative water supply projects to meet future water demands representing in excess of 400 million gallons per day to implement SFWMD's future water demands program, with a cumulative estimated cost in excess of \$1.3 Billion, and the Water Use Community continues to plan and implement alternative water supply sources in order to provide for future water supply needs; and

WHEREAS, the Water Use Community, with the guidance of SFWMD, have diligently implemented water conservation programs, which have significantly reduced per capita water consumption over the last ten years by approximately 10%, including requiring low flow plumbing fixtures, implementing advanced drip irrigation systems, imposing residential irrigation restrictions on a full time basis and not just during water shortage episodes, and supporting xeriscaping, the result of which is that additional conservation gains will be harder to realize and the impact of water shortages will be more acutely and widely felt by the public.

THEREFORE, BE IT RESOLVED, that the Lake Worth Drainage District strongly urges the USACE and the SFWMD to favor those Lake O Alternatives that maximize protection of the Water Use Community's existing permitted water allocations, minimize the potential for short term water supply shortages, assure the predictability of a continued and reliable water supply, which is essential to water supply planning on local and regional levels, recognize the long planning and implementation horizon for the development of alternative water supply sources to

.. ]

replace Lake Okeechobee water supply negatively impacted by adoption of a new Regulation, and appreciate the widespread impact on the public of water shortages if current Lake Okeechobee water supplies are curtailed.

This Resolution adopted at the regular monthly meeting of the Board of Supervisors of the Lake Worth Drainage District this 12th day of July, 2006.

LAKE WORTH DRAINAGE DISTRICT

C. Stanley Weaver

President

James M. Alderman

Vice President

C. David Goodle

Supervisor

John I. Whitworth, III

Sr. Vice President

urray R. Kalish

Supervisor

William G. Winters

Secretary



Reply To: West Palm Beach

October 13, 2006

Stuart Appelbaum U.S. Army Corps of Engineers, Jacksonville District 701 San Marco Boulevard Jacksonville, FL 32207-8175

Dear Mr. Appelbaum:

The Lake Worth Drainage District ("LWDD") was created pursuant to Special Act and Chapter 298, Florida Statutes. It is the largest drainage district in the State of Florida. The LWDD encompasses approximately 218 square miles in southeastern Palm Beach County and supplies water to and provides flood control for 13 municipalities with a population of over 750,000 residents, 10,000 acres of agricultural land and is bordered by the Arthur R. Marshall Loxahatchee National Wildlife Refuge, known as Water Conservation Area 1 ("WCA 1"). management system of the LWDD includes approximately 511 miles of canals, 20 major water control structures and numerous other minor structures. This system provides groundwater recharge for municipal wellfields and the system is used for the prevention of saltwater intrusion. The LWDD relies on deliveries from WCA 1 to maintain and operate its water supply and flood control responsibilities. LWDD has been a constant stakeholder in Everglades and Lake Okeechobee

Lake Worth Drainage District ("LWDD") is writing to provide the following comments on the Draft Supplemental Environmental Impact Statement: Lake Okeechobee Regulation Schedule Study ("LORSS"), August 2006. The goal of the LORSS is "to implement a new regulation schedule that would improve the health of Lake Okeechobee and the St. Lucie and Caloosahatchee Estuaries, while continuing to ensure public health and safety, and with minimal or no impact to the competing project (lake) purposes." The objectives of the LORSS are:

- a. Ensure public health and safety
- b. Manage Lake Okeechobee at optimal lake levels to allow recovery of the lake's environment
- c. Reduce high regulatory releases to the estuaries

## Helping Shape Florida's Future'

BRADENTON 1913 Avenue Wass State 670 Bradenton, Florida 34205 p | 941-708-4040 • | | 941-708-4024

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p | 904-737-2020 + | | 904-737-3221

TALLAHASSEE PO Box 10788 (32302) 125 South Gadsden Street, Suite 300 Tailahassee, Florida 32301

p | 850-222-5702 • [| 850-224-9242

WEST PALM BEACH 1700 Palin Beach Lakes Bivd Suite 1000 West Paim Beach, Florida 33401

p | 561-640-0820 • [ | 561-640-8202

d. Continue to meet Congressionally authorized project purposes including, flood control, water supply, navigation, fish and wildlife enhancement, and recreation.

Consistent with this goal and these objectives, the LWDD understands the difficult balancing act of managing Lake Okeechobee for its multiple, and sometimes competing purposes. Page 35 of the Supplemental Environmental Impact Statement ("SEIS") states, "Alternative 1BS2-m was identified to be effective and proficient at providing for public health and safety, containing flexibility to perform water management operations, and when unavoidable, having a more equal distribution of shared adversity than WSE." We offer comments relative to this alternative's performance, the assumptions it is based upon and the need to incorporate more information into the SEIS in terms of the potential effects on the LWDD, primarily water supply.

The LWDD's review of the proposed alternative in the SEIS indicates that it has mixed performance in terms of meeting the goal and stated objectives. This is particularly relevant to objective (d) listed above. While the SEIS portrays the proposed schedule as allowing the Congressionally authorized water supply purpose of Lake Okeechobee to be met, this is not accurate because the water supply project purposes are met less often due to implementation of the proposed alternative.

As you know, the Lower East Coast relies upon Lake Okeechobee as its backup supply source in times of water shortage. The SEIS downplays the risk to water supply in terms of performance of Alternative 1BS2-m and the corresponding economic impacts in times of drought. These risks are demonstrated by the increase in Lower East Coast water restrictions, the frequency of Minimum Flow and Level exceedances and violations for Lake Okeechobee, and the need to operate forward pumps to deliver water out of Lake Okeechobee when levels are low.

LWDD's source of water is Water Conservation Area 1. Releases from WCA-1 are governed by a regulation schedule which prohibits net outflows to LWDD's system from WCA-1 when water levels in WCA 1 are less than 14 feet, unless an equivalent volume of inflow from Lake Okeechobee is provided. Therefore, in times of water shortage, LWDD and WCA-1 are heavily the Corps begin the process for a deviation to the Regulation Schedule for Water Conservation Area 1. The modeling for the SEIS includes the assumption that the temporary forward pumps will be online. This assumption is an issue at this time because the pumps are neither constructed nor permitted. Therefore, the actual risk to water supply is greater than predicted. Without the lowering of the supply side management line and the installation of temporary forward pumps to

make deliveries from the Lake at a lower elevation, there is a significant increased risk to water supply. For these reasons, it is the LWDD's position that the currently proposed alternative does not meet the goal and objectives for LORSS for water supply performance and therefore cannot be

The LWDD has reviewed many of the assumptions used to develop the various alternative schedules considered. The strength of the alternatives to meet the goal and objectives of LORSS is a function of the reality of the assumptions. In this letter we discuss the proposed alternative's impacts and benefits and offer potential changes to the proposed alternative and additional modeling considerations to be incorporated into the SEIS analysis.

#### I. Alternative 1BS2-m

LWDD understands that the proposed Alternative, 1BS2-m, is an attempt to correct deficiencies in the current Water Supply and Environment ("WSE") Regulation schedule particularly relative to environmental performance. Overall, the concept of revising the WSE schedule is to hold Lake Okeechobee elevations lower to avoid high water levels in the Lake and to minimize damaging discharges to the estuaries on both coasts. This is to be done while maintaining the flood control and water supply purposes of the Lake. The proposed alternative took its current form after initial modeling runs indicated inadequate performance in meeting the LORSS goal and objectives primarily due to the potential impact to the estuaries on both coasts.

As contemplated, a lower Lake schedule creates certain benefits for the natural system. The proposed alternative incorporates several attributes that will provide benefits to the Lake, the Everglades and estuaries. These include:

- A goal to manage the Lake in an optimal band (seasonal goal, 12.5 15.5);
- A reduction in high volume discharges to the St. Lucie Estuary; and
- Flexibility to make operational decisions quickly.

LWDD recognizes the benefits to the natural system and to flood protection, however we have focused the comments here on the schedule's impact to water supply. Section 5.13 of the SEIS states that the preferred alternative "allows for water supply requirements to be satisfied nearly as effectively as the current operational schedule WSE." This statement does not account for the increased risk to water supply from more water restrictions, Lake Okeechobee Minimum Flow and

Level violations and exceedances and the need to operate the forward pumps to presumably offset these risks. The data in the SEIS does not support this statement.

## II. Assumptions to Develop Alternatives

In the alternative development process which led to the current proposed schedule several assumptions were common to all of the alternatives. These assumptions include:

- To achieve zero or close to zero days above lake elevation 17.25';
- To provide Lake operators with as much flexibility as possible to lower the Lake stages when needed to achieve project objectives; and
- Operation of the temporary forward pumps to deliver water from Lake Okeechobee when Lake levels are between 10.2' and 11.2'.

These assumptions, and their rationale, warrant more discussion in the SEIS. We discuss these assumptions below.

The 17.25' Constraint. The primary assumption that warrants additional discussion in the SEIS is that regarding the elevation cap of 17.25'. The SEIS states, "Because the Corps recognizes that the [Herbert Hoover Dike] HHD is more stable when water in Lake Okeechobee is maintained below 18.5', the LORSS only focused on alternatives that would allow the lake to be managed at a lower average level year-round. The final array of alternatives analyzed were developed to achieve zero or close to zero days above lake elevation 17.25', NGVD." Several somewhat conflicting explanations are given for the 17.25' constraint, yet none of them are detailed or provide a clear engineering basis for the constraint. For example, on pages 7 and 121, the document states, "The 17.25' constraint was based on the schedule's ability to store rainfall and runoff anticipated from a storm event comparable to Hurricane Wilma in 2005 without having HHD integrity issues." It is unclear why this particular storm event, or conditions of the lake at that time, were chosen as a scenario to drive this alternative development process. On page E-21, the document states, "Aviodance [sic] of the 17.25' elevation offers additional protection for public safety and the Herbert Hoover Dike." It is unclear what the "additional protection" needs to be from an engineering perspective. Finally, on page 82, the document states, "The crest elevation of the levee system surrounding the lake ranges from 32 to 45', NGVD. The likelihood of overtopping the levees from excess storage is nearly non-existent. Possible flooding due to overtopping of levees within the HHD system is limited to short duration events involving wave runup in addition to hurricane-induced storm surge."

When reading all of these statements together it appears that the particular 17.25' elevation is not based on any engineering analysis and it mimics arbitrarily chosen conditions, such as those which existed when Hurricane Wilma struck. This 17.25' constraint makes the Lake lower overall and sends more water out to tide. This water cannot be captured for water supply or other purposes until water storage projects are constructed to capture it. This action directly affects water supply and results in more water shortages for agricultural and urban water supply, more fully discussed in this document. This 17.25' elevation constraint is particularly disturbing in light of the fact that the inter-agency team developing the SEIS had arrived at a consensus of a 17.5' elevation performance target and this was changed later in the alternative development process by the Corps to an absolute 17.25' project constraint. The relationship between the crest elevation, lake levels, choice of Hurricane Wilma 2005 conditions and engineering basis for the 17.25' constraint needs to be more detailed in the SEIS. LWDD understands the overwhelming public heath, safety and welfare concerns with the integrity of the HHD, but the Corps should also explain how long this particular 17.25' is contemplated to be a constraint on any Lake Okeechobee Regulation Schedule. For instance, will enough work on the dike be completed that this will not be a constraint on the next iteration of the Lake Okeechobee Regulation Schedule in 2010?

Stormwater Treatment Area Capacity. Water quality violations are a constant issue for deliveries to WCA-1. Therefore LWDD remains concerned about the ability of the STAs to receive and treat water for delivery to WCA-1. The document must address the water quality implications and regulatory aspects of these constraints on the STAs and downstream receiving waters. The document should also include a discussion about how STA capacity could be increased in the short and long-term by factors such as efforts to "optimize" the STAs under separate SFWMD efforts, the Comprehensive Everglades Restoration Plan ("CERP") or how water quality conditions in the Lake might improve, thus allowing more treatment capacity in the STAs.

Lake Operational Flexibility. Another assumption warranting discussion is "to provide lake operators with as much flexibility as possible to lower the lake stages when needed to achieve project objectives". The proposed alternative essentially provides an optimum stage to manage the Lake (12.5' - 15.5') and then provides allowable discharges to the WCAs and estuaries under various system and tributary conditions. This approach is similar to the current WSE Decision Tree. The problem with the proposed alternative is that while there is much overlap and flexibility between the various bands and stages to manage a seasonal optimum, with added consideration of forecasted and tributary conditions, there is a high level of uncertainty with the potential use of "Non-Typical Temporary Operations" ("NTOs"). While the concept is to only use the NTOs when

the Lake management bands and operational guidance is "not effective at managing lake levels" as defined under certain conditions and events, the NTOs provide such wide flexibility, that they are essentially rendered useless in providing any predictability as to what operation may result. For instance, if the schedule is not working "and it has been determined that it would be advantageous" NTOs would be utilized. The SEIS provides no detail as to who makes these determinations and when.

Thus, the NTO is another complex system of bands, stages and conditions that dictates a completely different set of operations from the Decision Tree. The "operational band" or the parameters which frame the optimum lake stage for the NTOs, vary widely between 9.5 and 17.25'. Regulatory and base flow releases can be made under various conditions, but there is such a wide range between these conditions that there is no way of knowing what NTO operation will be used or when. In summary, the NTOs provide too much flexibility and zero predictability. Public discussions have raised the possibility of eliminating the NTOs from the proposed alternative. The LWDD would support the elimination.

Operation of the Forward Pumps Between 10.2' and 11.2'. Page 13 of the SEIS states, "All alternatives evaluated, including the No-Action Alternative, assume operation of the SFWMD temporary forward pumps for water supply at S-354 (400 cfs), S-351 (600 cfs), and S-352 (400 cfs). Based on preliminary operational guidance from the SFWMD, the pumps are simulated to trigger on for water supply demands if the Lake stage falls below 10.2 feet; the pumps are assumed to be turned off when the Lake stage recovers to 11.2 feet." The document does not include any rationale or basis for these particular triggers other than a comment that the SFWMD provided the preliminary operational guidance. The entire scope of preliminary operational guidance needs to be included in the SEIS so that a full and accurate picture of the basis for these triggers can be understood. It is unclear why even the No-Action Alternative, which is supposed to reflect conditions on the ground as they exist today, includes the forward pumps. The SEIS shows that even with the forward pump operations, there is still an increased risk to water supply, which is discussed in the next section. Finally, the SEIS lacks a discussion regarding the relationship between operation of the forward pumps and the potential for degraded water quality when the Lake levels are lower and the forward pumps will be operated.

# III. <u>Issues That Need to be Addressed More Adequately in the SEIS</u>

Scope of Analysis. Most of the SEIS focuses on the environmental effects, water quality and vegetation for the resources within Lake Okeechobee itself. The problem with this limited focus is

that species issues and water quality constraints in other parts of the natural system can also act as a limiting factor on how the proposed schedule is implemented. This was described briefly in the section on the STAs. Another example is the lack of discussion on Snail Kite impacts in the WCAs or estuaries. These issues could act to limit the movement of water at certain times of the year under various water elevation conditions. This could produce a completely unpredicted result in how water is delivered pursuant to the schedule.

Scope of Economic Analysis. There is no meaningful discussion of the economic impacts on water supply in the actual SEIS. Only a small discussion of these economic impacts is in Appendix D. That discussion concludes that there is no meaningful difference between the alternatives in terms of unmet demand and the cost associated with that loss. On page D-34 there is a table of the value of unmet demand for urban water supply. The context and assumptions in this table are unclear and this is the only data available which evaluates the economic impact of decisions regarding the various alternatives in terms of water supply. The economic impacts to agriculture due to drought were included therefore the SEIS should reference and incorporate data showing the economic impact on water supply in prior droughts.

Lack of Discussion of Water Supply Implications. Section 5.13 of the SEIS states that the preferred alternative "allows for water supply requirements to be satisfied nearly as effectively as the current operational schedule WSE." A table in this section, Table 5-10, uses a rating system for the water supply performance which is not clear. This chart appears to minimize water supply effects and runs counter to the numerous presentations made by the SFWMD on the water supply impacts of the proposed alternative. The actual data on water supply should be incorporated into

The most significant discussion on the water supply implications of the preferred alternative occurs in Appendix E, Simulation of Operational Alternatives for the Lake Okeechobee Regulation Schedule. Notably, the period of record is 1965-2000 and does not include the most recent drought and hurricanes which would equate to the most significant extremes in recent history. For the Lower East Coast Service Areas ("LECSAs") 1, 2 and 3, Appendix E shows that there are increases in simulated cutbacks from 31 months, 80 months, and 31 months, respectively, to 33 months, 82 months and 33 months. Two alternatives are reported to show a reduction in these cutbacks, but overall the LECSAs experience two more months of water restrictions due to the implementation of the proposed schedule.

The water supply assumptions also include lowering the Supply Side Management line by 1.0', which is subject to a separate SFWMD rulemaking effort. The inclusion of the SFWMD temporary forward pumps allow for this assumption to be made. The effect of this lowered 1.0' is that water supply restrictions would not implemented until the Lake is at a lower stage than the trigger that is currently used. Without this lowered supply side management line and the temporary forward pumps to implement it, the increased water restrictions listed in the previous paragraph are even more pronounced including 49 months, 95 months and 49 months for LECSAs 1, 2, and 3 respectively. Therefore, the conclusion that can be drawn is that without the lowering of the supply side management line and the temporary forward pumps to make deliveries from the Lake at a lower elevation, there is a significant increased risk to water supply in experiencing more cutbacks. With a lower supply side management line and the forward pumps there is still an increased risk, but it is not as significant as without these measures. Because of these increases in cutback months, it is absolutely critical to harmonize the revision of the supply side management rule and methodology with this SEIS process to allow for the mitigation of water supply impacts. These impacts also underscore the need to have the temporary forward pumps constructed and operating before any new regulation schedule takes effect. The lack of a FWS Biological Opinion and state or federal permits for the forward pumps significantly amplifies LWDD's concerns regarding water

The revision of the Supply Side Management line and rulemaking is an important consideration, but equally important is the SFWMD effort to develop a Regional Water Availability Rule. This rule essentially limits withdrawals from traditional water sources to those actually withdrawn in the 2005-2006 timeframe. While water supply planning is a state function, the Corps must recognize that there is cumulative effect on water supply if it is implementing a Regulation Schedule that is simultaneously decreasing the level of certainty to users and increasing the amount of risk to water supply in times of drought. Since this rule is projected to be in effect by the beginning of 2007, like the forward pump assumption, modeling should be completed which factors in pumpage for the 2005-2006 year rather than "Public water supply wellfield pumpages and location based on actual pumpage data for calendar year 2004." (Page E-85 SEIS).

SFWMD presentations on the water supply aspects of the proposed schedule indicate that the Level of Certainty, meeting water supply needs for a 1 in 10 year drought event, is reduced to meeting water supply needs for a 1 in 5 year drought event. The import of this reduction is a reduced ability to meet water supply needs from a drought that would normally occur once every 10 years to a drought event that occurs once every 5 years. This equates to approximately 18,000 acre feet of water that cannot be delivered with a 1.0' lowered supply side management trigger. This figure

would be 20,000 acre feet without the lowered supply side management trigger. This also translates into bringing the lowest Lake stage from 9.6' to 8.8'. Bringing this Lake stage down creates five times the amount of Minimum Flow and Level violations and twice the number of Minimum Flow and Level exceedances. Minimum Flow and Level exceedances (and increases of them) and violations bring certain requirements under state law to prevent harm to Lake Okeechobee and further acts as a constraint in delivering backup water supplies to the LECSA. All of this data should be clearly reflected in the SEIS. None of it is contained within Appendix E and the summary Table mentioned above, and Table 5-10 does not adequately portray these implications.

The conclusions of the water supply analysis for the Lake Okeechobee Service Area, Lower East Coast Service area and Everglades Agricultural Area all show more phased cutbacks and more demands not met due to implementation of the alternative. Increases in water supply cutbacks system-wide and increases in exceedances of the Lake Okeechobee Minimum Flow and Level ("MFL") (over double the amount of exceedances for the period of record) are problematic. Basing the entire risk to water supply on the operation of the temporary forward pumps is problematic. Since even the No-Action Alternative assumes the addition of the temporary forward pumps (page 14 of the SEIS), there is no way to determine what any effects may be if the forward pumps do not come on line. The alternatives must be modeled, and results included in the SEIS, regarding the performance of the alternatives in a "with-forward pumps" and "without-forward pumps scenario."

In Section 4.8, the SEIS addresses how water is managed in times of drought (according to a SFWMD water supply management plan). The section also states that "Operational flexibility is built into the plan to make available the special actions that proved successful during the 1981-1982 drought." It is entirely unclear as to what these special actions are and what flexibility is built into the plan to implement them.

There are other issues in the assumptions that warrant a more full discussion in the SEIS. For instance, it is unclear from the document what the basis is for the trigger in the Water Conservation Areas ("WCAs") (+.25) in terms of limiting releases from Lake Okeechobee south. While this trigger appears in the WSE schedule on page 20, it does not appear to have any detailed discussion or explanation in the SEIS. The SEIS also does not adequately describe the relationship between the WCAs, how they are managed by individual regulation schedules and the fact that deviations from these regulation schedules are necessary to provide for withdrawals from, and to manage water in. the WCAs. The LWDD is particularly concerned that the Corps seems to minimize this discussion because this deviation practice is not uncommon. We suggest that this regulation

schedule deviation process for WCA I is begun so that the deviation would be in place and could be implemented if necessary.

There is also very little discussion, about the relationship between the proposed alternative and the current Upper Chain of Lakes, including Kissimmee River flows, relevant schedules or potential changes to them except that there will be an examination of the Tributary Hydrological Conditions in the decision process. The SEIS should include a more detailed discussion of this relationship.

# IV. Potential changes/modeling/information to include in the SEIS

It is clear from reading the SEIS that no one particular alternative rises to the top in terms of stellar performance for the natural system overall. In fact, all of the alternatives, including the No-Action Alternative, benefit different parts of the system in different ways. The LWDD suggests further study of a revised alternative due to the impacts to water supply without the corresponding benefit to the natural system. 1BS2-m is not supportable in its current form. The following summary represents recommendations for either more detailed discussions or modeling, either through sensitivity runs or added assumptions, to be included in the SEIS.

Pursue a Regulation Schedule deviation for WCA 1. The SEIS does not adequately describe the relationship between the various Regulation Schedules for the WCAs and the import of those schedules to deliver and manage water for water supply. The LWDD requests that a deviation for WCA 1 be initiated so that, if necessary, it can be utilized in the next year to assure deliveries to the LEC canal system can be maintained.

Justification for 17.25' Constraint. The basis for the 17.25' constraint appears to conflict in the document in terms of engineering rationale. While the LWDD is mindful regarding the debate surrounding the integrity of the Herbert Hoover dike and the Governor's correspondence regarding this issue, significant volumes of water will be discharged to achieve that precise 17.25' target. While publicly the Corps has stated that the Regulation Schedule will drive lake management, not the 17.25' constraint, this constraint eliminated alternatives from consideration that may have provided a different balance of benefits and less impacts to water supply. The effect of this constraint cannot be understated. The Corps should also include a discussion of when this constraint will not longer be a driving factor in Lake Okeechobee management.

Include more specific information on water quality implications that could constrain operation of the proposed schedule. Water quality requirements and conditions in the STAs and

estuaries might be a limiting factor in the discharges that can be made. The SEIS provides no detailed discussion of the relevant regulatory context or water quality conditions for the STAs or estuaries but does regarding Lake Okeechobee. The SEIS must address this issue.

Modeling of the Forward Pumps. These pumps are neither permitted nor constructed as of yet. Their permitted operation is not known either. Species issues could change the assumptions relative to the forward pumps which could have a marked effect on the impacts and operations of the proposed schedule. The Corps must provide some analysis of what the effects of the proposed regulation schedule may be if the forward pumps are not brought on line, or their operation is limited due to effects on species. The SEIS must also include a discussion on the basis for the 10.2' and 11.2' triggers for operating the forward pumps. Finally, the SEIS should also include a discussion of those operations and the potential for degraded water quality at lower Lake elevations.

Include additional water supply information in the SEIS. The SEIS lacks an accurate and clear discussion on the water supply impacts of the proposed schedule. The SFWMD has presented this information on numerous occasions and this data must be incorporated into the body of the SEIS. Specifically, the economic impacts of increased drought on the LECSA must be incorporated into the SEIS. Additionally, the SEIS must include information that the SFWMD has presented on the increase in Minimum Flow and Level violations for Lake Okeechobee, the quantity of demands not met, the reduction in Lake stage and the reduction of the lowest Lake stage. The Corps should present additional strategies to mitigate these impacts beyond just the uncertain use of the forward pumps.

Cumulative water supply impacts. Currently, wellfield pumpage for 2004 is the assumption to measure effects on water supply. Consistent with the assumption that the temporary forward pumps will be online and operational, this assumption should be updated to include actual pumpage from April 2005-2006, consistent with the SFWMD's current efforts to promulgate a Regional Water Availability Rule. Only through modeling this Supply Side Management and Regional Water Availability data will the cumulative effect of the proposed regulation schedule on water supply be known.

Consider removing NTO. The proposed regulation schedule has a high level of flexibility incorporated into it already. There is significant operational flexibility which is found in each band and the overlap of each band. The NTO described in the document introduces too much uncertainty into the proposed schedule. Whatever flexibility is needed beyond the regulation schedule should

he clearly identified through changes to the proposed alternative rather than masked in a "catch all" Non-Typical Operation.

We appreciate the opportunity to provide these comments on the LORSS. We also look forward to working with you on changes to the proposed alternative that lessen the risk to water supply. We anticipate reviewing and commenting on the next version of the SEIS. For any further questions you may have on these comments, please contact me or Erin Deady directly. Thank you for your attention to our comments.

Sincerely,

Michelle Diffenderfer

#### MWD/kss

c: William G. Winters, Manager – Lake Worth Drainage District
Patrick A. Martin, P.E., Director of Engineering – Lake Worth Drainage District
Danna Ackerman-White, Director of Community Affairs – Lake Worth Drainage District
Pete Milam, Project Manager for the U. S. Army Corps of Engineers
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DOUG SMITH Commissioner, District 1

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## MARTIN COUNTY

### BOARD OF COUNTY COMMISSIONERS

2401 S.E. MONTEREY ROAD • STUART, FL 34996

September 5, 2006

Telephone: 772-219-4980

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Colonel Paul Grosskrugar, Commander Jacksonville District of the U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207-8175

Re:

Presentation on Revisions to the Lake Okeechobee Water Supply and

Environmental (WSE) Regulation Schedule

Dear Colonel Grosskrugar:

The Martin County Commissioners appreciate the opportunity to comment on the selected preferred alternative for the modifications to the operational schedule for Lake Okeechobee. We commend the Corps of Engineers (COE) and the South Florida Water Management District (SFWMD) for working cooperatively, expeditiously and with consensus on the development of an improved schedule for Lake Okeechobee. A schedule, which does it's best to optimize environmental conditions for the Lake, the Caloosahatchee, St. Lucie Estuaries and the Everglades. Additionally, it provides a generally lower lake levels until the concerns pertaining to dike integrity have been resolved.

The proposed ALT1bS2-m, as presented, appears to provide the best interim schedule for the defined year period (2007 - 2010) in anticipation of the completion of the projects known as ACCELER8.

In addition the Board of County Commissioners urges the SFWMD and the State of Florida to work quickly and comprehensively on the various elements of the Lake Okeechobee and Estuary Recovery Plan (LOER) announced by Governor Bush last fall.

We look forward to working with the COE, SFWMD and the State of Florida on the continued restoration of the Florida Everglades.

Sincerely

SUSAN L. VALLIERE

Chairman

PM/GNR:el

C: Pete Milam, Project Manager, USACOE

Carol Wehle, SFWMD Duncan Ballantyne, County Administrator Jim Sherman, Assistant County Administrator Taryn Kryzda, Interim County Administrator

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October 4, 2006

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U.S. Army Corps of Engineers

701 San Marco Blvd.

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Donald D. Stilwell County Manager

Dear Ms. Haberer:

David M. Owen County Attorney

Diana M. Parker County Hearing Examiner Lee County is pleased to provide the following comments on the *Draft Supplemental Environmental Impact Statement: Lake Okeechobee Regulation Schedule Study ("LORSS")*, August 2006. The County understands the difficult balancing act of managing Lake Okeechobee for its multiple, and sometimes competing, purposes. While the tentatively selected plan, or proposed alternative, for the LORSS may provide some benefits, those benefits are far outweighed by the fact that the alternative increases the highest level of discharges to the Caloosahatchee Estuary.

First, and foremost, the goal of the LORSS is "to implement a new regulation schedule that would improve the health of Lake Okeechobee and the St. Lucie and Caloosahatchee Estuaries, while continuing to ensure public health and safety, and with minimal or no impact to the competing project (lake) purposes." The stated objectives of the LORSS are:

a. Ensure public health and safety

b. Manage Lake Okeechobee at optimal lake levels to allow recovery of the lake's environment and natural resources

c. Reduce high regulatory releases to the estuaries

d. Continue to meet congressionally authorized project purposes including, flood control, water supply, navigation, fish and wildlife enhancement, and recreation.

Page 35 of the Supplemental Impact Statement ("SEIS") states, "Alternative 1BS2-m was identified to be effective and proficient at providing for public health and safety, containing flexibility to perform water management operations, and when unavoidable, having a more equal distribution of shared adversity than WSE." The County's review of the proposed alternative in the SEIS indicates that it has mixed performance in terms of meeting the goals and stated objectives. In some cases, such as direct impact to the Caloosahatchee and water supply performance, the performance should be termed actually as "increased risk" and "potential harm." This is demonstrated by the increase in high level discharges over 4,500 cubic feet per second ("cfs") to the Caloosahatchee Estuary which is directly contrary to objective (c) listed above. These issues in the SEIS demonstrate that the Caloosahatchee River and Estuary receive the larger share of impacts across the system, which does not appear to support the concept of shared adversity. Furthermore, there is no demonstration that the proposed new schedule will improve water quality and the condition of estuarine biota in the estuary, and in fact, may worsen the situation. Because of these reasons, it is the County's position that the currently proposed alternative does not meet the goals and objectives for LORSS, and as such, is not supportable in its current form.

The County also has reviewed, and provides comments herein, which address many of the assumptions used to develop the various alternative schedules considered. The strength of the alternatives to meet the goal and objectives of LORSS is a function of the viability of the assumptions. We also discuss the specific proposed alternative's impacts and benefits, as well as offer potential changes to the proposed alternative and additional modeling considerations to be incorporated into the SEIS analysis. To save space, the County adopts the comments of other public and private entities concerned with the Caloosahatchee River Estuary.

#### I. Alternative 1BS2-m

The proposed Alternative, 1BS2-m, is an attempt to correct deficiencies in the current Water Supply and Environment ("WSE") Regulation schedule. This alternative was further modified and took its current form after initial modeling runs indicated inadequate performance in meeting the LORSS goal and objectives primarily, among other attributes, its potential impact to the Caloosahatchee Estuary.

The proposed alternative incorporates several positive attributes that will provide benefits to the Lake, Everglades and estuaries. These include:

- Goal to manage to optimal band (seasonal goal, 12.5 15.5);
- · Flexibility to make adjustments; and
- Positive Estuary benefits.

Management to an optimum stage. Overall, as a basic feature, Alternative 1BS2-m has a goal to manage the Lake at an optimum stage which is widely recognized and supported as 12.5-15.5 feet. This goal is reiterated in the various letters by agencies responsive to the scoping notice, such as the U.S. Fish and Wildlife Service ("FWS") and the Florida Department of Environmental Protection ("DEP"). Adjustments in the schedule are made to either release or hold water with the goal of achieving the optimum elevation for that time of the year. In doing so, Parts 1 and 2 of the Lake Okeechobee Operational Guidance provide direction to water managers on what level of release to make to what part of the system based on tributary hydrologic conditions, the forecasted weather conditions (seasonal, monthly and weekly) and other pertinent information. It is asserted that keeping the Lake at an optimum range a higher percentage of the time will result in benefits to downstream receiving waters such as the estuaries, Everglades and Lake Okeechobee itself. We note that these assertions apparently are based on modeling using a 36-year period of record that excludes the period 2000-2005 (which period should be evaluated by the Corps), and the assumption that significant flows can be sent from the Lake to the L-8 canal (which may not be possible due to downstream water quality concerns). In order to more accurately reflect true meteorological cycles, the analysis must also include relevant historical weather data outside of the selected period of record. (See Exhibit A)

Flexibility to make adjustments quickly. While certain aspects of the flexible nature of the proposed schedule are problematic, such as the Non-Typical Operations, more fully discussed below, there are other aspects of the flexible nature of the schedule that are positive such as decision-making based on weekly, monthly and seasonal weather data and forecasting. For instance, on page 13, the SEIS states, "it is practical to establish more flexible rules which allow Lake managers to utilize supplemental information and apply their sound judgment in making operational decisions." The County concurs with this premise in certain regards. The schedule also allows more preemptive lower level early discharges to

potentially alleviate aggressive high volume discharges at longer durations responsive to weather events. Potential managed spring recessions, when beneficial, can also be achieved by the flexibility in the schedule. Base flows to the Caloosahatchee can be made, but due to the nature of the lower schedule, it is more difficult to achieve these flows consistently. Even with the specific bands, because of their overlap, there is a wide range of flexibility in the schedule that brings with it the ability to adapt to changing conditions quickly, but this flexibility also brings a level of uncertainty about how those decisions will be made.

**Benefits of the proposed Alternative.** The section above mentions some of the benefits of the proposed schedule such as base flows to the Caloosahatchee and potential beneficial spring recessions. There are additional benefits the schedule provides including:

- A lower average Lake schedule provides a benefit to the ecology of the Lake and downstream ecosystems.
- The proposed alternative results in the optimum Lake stage being achieved 27.3 % of the time.
- The St. Lucie Estuary receives less high volume discharges.
- There is an increase in target flows in the Caloosahatchee Estuary (450-2800 cfs) from the No-Action alternative.
- There is a decrease in flows from 2,800-4,500 cfs from the No-Action alternative in the Caloosahatchee Estuary (the negative high volume flow impacts are discussed below).
- The alternative generally performs better for the Everglades regions over the No-Action alternative.
- Flow decisions to the estuaries contemplate data regarding the most important time
  of the year to avoid high discharges, which is spring, when most breeding and nesting
  takes place for species.

**Negative attributes of the proposed Alternative.** While many of the above-listed aspects of the proposed alternative may yield positive benefits, there are still significant problems with the proposed alternative. The benefits are far outweighed by the fact that the alternative increases the highest level of discharges to the Caloosahatchee Estuary.

First, the Alternative does not meet the goal and objectives of the LORSS because it increases the amount of the highest volume discharges to the Caloosahatchee Estuary. Page E-56 reports 73 exceedances above 2,800 cfs and 37 exceedances above 4,500 cfs. These figures compare to 44 exceedances and 34 exceedances, respectively, over the No-Action alternative. Table 5-6 on page 110 reports the occurrences of flows within certain volume ranges in the most critical spring months March-June. The table shows a reduction in flows in those months over 2,800 cfs, but the table does not even reflect the amount of flows over 4,500 cfs in this critical time period.

The duration of these flows is also problematic. On E-23, the SEIS states that the base case, or No-Action alternative, included 24 periods of 2-3 months duration of high flows above 4,500 cfs. The proposed alternative included 4 periods of flows 4-5 months in duration. These durations are reported as a "worst case" because the model can only incorporate an assumption that the highest level discharge is released. The Corps has stated publicly, and in its document, that this doesn't always reflect reality because the maximum practicable release is not always made and the level of discharge is based on system and predicted conditions. At the same time that high discharge flows increase from the proposed alternative, flows less than 300 cfs, necessary to meet minimum flow targets, are decreased.

These two actions together provide the potential for significant harm in the Caloosahatchee Estuary, at the most critical times when either the Estuary needs or doesn't need the water.

A key problem with the SEIS is how these issues are portrayed. For instance, on page 111, the SEIS states, "However, modeling simulations indicate no improvements in the high flow > 4,500 cfs range to the estuary" and also in that discussion "due to the increase in high flows > 4,500 cfs, the Corps has determined that the proposed action would provide minimal benefits overall to essential fish habitat in the Caloosahatchee Estuary." Another fundamental example is on page ii, where the SEIS states, "Stakeholders representing the Caloosahatchee Estuary have concerns that the alternatives analyzed show minimal benefits, if any, for the estuary." These statements do not recognize the potential harm that could be caused to the estuary from implementation of the proposed regulation schedule. Instead, the SEIS portrays these effects as simply not meeting the target or not providing any benefit. This is an important distinction and, for purposes of accurately reflecting the potential environmental effects of the proposed alternative, these types of statements should be corrected in the document.

With respect to the other parts of the ecosystem, the proposed alternative does seem to provide some level of benefits including reduced high volume discharges to the St. Lucie Estuary (page 107 of the SEIS), Lake Okeechobee (page 124 of the SEIS) and the Everglades (pages 93-98 of the SEIS).

Specifically relevant to the St. Lucie Estuary, in addressing the quantity of release discharges, when comparing the release schedule of WSE to the new release schedule, there is a reduction in the releases from the higher bands from 3,500 cfs to 2,800 cfs. This fact was reiterated publicly in a Lake Okeechobee Water Resources Advisory Commission meeting when the discrepancy was recognized and corrected on a power point presentation made by Corps staff. It is unclear why this reduction in discharge through the S-80 structure occurred. This reduction also appears to place the estuarine impacts in a directly conflicting position.

It is also unclear from the document what the basis is for the trigger in the Water Conservation Areas ("WCAs") (+.25) in terms of limiting releases from Lake Okeechobee south. While this trigger appears in the WSE schedule on page 20, it does not appear to have any detailed discussion, explanation or basis in the SEIS. There is also very little, to virtually no discussion, about the relationship between the proposed alternative and the current Upper Chain of Lakes, including Kissimmee River, flows, relevant schedules or potential changes to them except that there will be an examination of the Tributary Hydrological Conditions in the decision process. Flows north of, and into, Lake Okeechobee have a direct relationship to water discharged out of the Lake. The SEIS should include a more detailed discussion of this relationship.

## II. Assumptions to Develop Alternatives

In the alternative development process which led to the current proposed schedule in this SEIS, 1BS2-m, several assumptions were common to all of the alternatives. These assumptions include:

- To achieve zero or close to zero days above Lake elevation 17.25 feet;
- To provide a base flow to one or both of the estuaries to minimize the occurrence of high, damaging releases to the estuaries;

- To include a maximum limit of the Lake regulatory releases passed through Stormwater Treatment Areas 3/4, based on assumed treatment capacity given the current nutrient levels within Lake Okeechobee; and
- To provide Lake operators with as much flexibility as possible to lower the Lake stages when needed to achieve project objectives.

These assumptions and their rationale warrant more discussion in the SEIS.

The 17.25' constraint. The primary assumption that warrants additional discussion in the SEIS is that regarding the elevation cap of 17.25'. The SEIS states, "Because the Corps recognizes that the HHD is more stable when water in Lake Okeechobee is maintained below 18.5', the LORSS only focused on alternatives that would allow the Lake to be managed at a lower average level year-round. The final array of alternatives analyzed were developed to achieve zero or close to zero days above Lake elevation 17.25', NGVD." Several somewhat conflicting explanations are given for the 17.25' constraint, yet none of them are substantively detailed or provide a clear engineering basis for the constraint. For example, on pages 7 and 121, the document states, "The 17.25' constraint was based on the schedule's ability to store rainfall and runoff anticipated from a storm event comparable to Hurricane Wilma in 2005 without having HHD integrity issues." It is unclear why this particular storm event or conditions of the Lake at that time were chosen as a scenario to drive this alternative development process. On page E-21, the document states, "The 17.25' elevation offers additional protection for public safety and the Herbert Hoover Dike." It is unclear what the "additional protection" needs to be from an engineering perspective. Finally, on page 82, the document states, "The crest elevation of the levee system surrounding the Lake ranges from 32 to 45', NGVD. The likelihood of overtopping the levees from excess storage is nearly non-existent. Possible flooding due to overtopping of levees within the HHD system is limited to short duration events involving wave runup in addition to hurricaneinduced storm surge." Recognizing that an 18.5' elevation was the previous Lake elevation constraint, the 17.25' elevation constraint is particularly disturbing in light of the fact that the inter-agency team had arrived at a consensus of a 17.5' elevation, as a performance measure, which was later changed by the Corps to a project constraint in the Alternative Development Process. When reading all of these statements together from the SEIS, it appears that this particular number is not based on any particular engineering analysis and that it is arbitrary. It is also notable that Lake levels have exceeded 17.25 feet only a small portion of the time since the Herbert Hoover Dike was built, which raise questions about what level of risks the Corps is attempting to avoid. The relationship between the crest elevation, Lake levels, choice of Hurricane Wilma 2005 conditions and engineering basis for the 17.25' constraint needs to be more detailed in the SEIS. Potential modeling considerations relative to this constraint are suggested at the end of this correspondence. The Corps should also explain how long this particular 17.25' is contemplated to be a constraint on any Lake Okeechobee Regulation Schedule. For instance, will enough work on the dike be completed that this will not be a constraint on the next iteration of the Lake Okeechobee Regulation Schedule in 2010?

Base flows to one or both estuaries. Another assumption that warrants further discussion is "to provide a base flow to one or both of the estuaries to minimize the occurrence of high, damaging releases to the estuaries." On page 22, the SEIS describes the concept of base flows in alternatives 1BS2 and 1BS2-m as follows: "During the alternative formulation process, data and recommendations were evaluated and the recommended base flow release was determined to be 450 cfs to the Caloosahatchee Estuary (measured at S-79) and zero base flow to the St. Lucie Estuary." On page 38 when reviewing Part 2 of the Lake Okeechobee Operational Guidance during normal to dry conditions this base flows to the

Caloosahatchee is reflected, yet there is no base flow to the St. Lucie Estuary through S-80. In the Non-typical Operations, depending on tributary hydrologic conditions, then base flows to both estuaries can be made. Some base flow to the St. Lucie Estuary, as well as possible increased base flows to the Caloosahatchee should be modeled to determine the ability of these operations to alleviate high volume discharges. While the County understands that the benefits of these additional base flows may be minimal, they should be modeled nonetheless to determine the benefits that can be achieved. It is unclear whether they have been modeled to date, based on the limitations of the South Florida Water Management Model. Coupled with other changes to the proposed alternative, there could be a more significant benefit to these base flows to both estuaries.

Stormwater Treatment Area capacity. Flows and volumes of water from Lake Okeechobee have historically been discharged south to the Everglades. An assumption in the SEIS is "to include a maximum limit of the Lake regulatory releases passed through Stormwater Treatment Areas 3/4, based on assumed treatment capacity given the current nutrient levels within Lake Okeechobee." Implicit in this constraint is that the Corps will not allow a violation of water quality standards in the Water Conservation Areas which receive water from the Stormwater Treatment Areas. While we appreciate and support the Corps' desire to avoid water quality impacts in the Water Conservation Areas, we do not understand why the Corps is not willing to impose a similar water quality constraint for the Caloosahatchee Estuary. This appears to be a double standard, which makes the choice of alternatives arbitrary. Additionally, these constraints on the STAs, and flow volumes south are not likely to exist in the future. The Corps should provide some type of analysis of the benefits of achieving more historical flow patterns to the south.

Lake operational flexibility. Another assumption warranting discussion is "to provide lake operators with as much flexibility as possible to lower the lake stages when needed to achieve project objectives." The proposed alternative essentially provides an optimum stage to manage the Lake and then provides allowable discharges to the WCAs and estuaries under various system and tributary conditions. This is similar to the WSE Decision Tree which currently dictates operations. The problem with the proposed alternative is that while there is much overlap and flexibility between the various bands and stages to manage to a seasonal optimum, and consider forecast and tributary conditions, there is a high level of uncertainty with the potential use of "Non-typical Temporary Operations" ("NTO"). While the concept is to only use the NTOs when the Lake Management Bands and operational guidance is "not effective at managing lake levels" as defined under certain conditions, the NTOs provide such wide flexibility, they are essentially rendered useless in providing any predictability as to what operation may end up resulting. For instance, if everything that is in place regarding the schedule isn't working "and it has been determined that it would be advantageous" NTO would be used. The SEIS provides no detail as to who makes these determinations and when.

Thus, the NTO which is another complex system of bands, stages and conditions that dictates a completely different set of operations. The "operational band" or the parameters which frame the optimum Lake stage vary widely between 9.5 and 17.25'. Regulatory and base flow releases can be made under various conditions, but there are such extreme differences between these conditions that there is no way of knowing when an NTO operation will be used. Also, as mentioned above, this is the only place where potentially higher base flows can be made to the Caloosahatchee and any base flows can be made to the St. Lucie Estuary at all. If NTOs are not contemplated to be used that often, then this potential operation, which could provide some relief to the estuaries on both coasts, is lost. In summary, it appears that the negative aspect of minimal flexibility and the temporary

deviation process in WSE has moved far to the other side of the spectrum in that the NTOs provide too much flexibility and zero predictability. Public discussions have raised the possibility of eliminating the NTOs from the proposed alternative. The County would support that decision only if Part 2 of the Operational Guidance regarding releases to the estuaries is revised to allow more flexibility in the quantity of base flows and specifically allows for base flows to the St. Lucie estuary as well as the Caloosahatchee.

## III. Factors That need to be Addressed More Adequately in the SEIS

While the assumptions are central to each of the alternatives analyzed in the SEIS, there are other factors that are either specifically not addressed for reasons unknown or are not adequately addressed. These include:

- Scope of the analysis
- Scope of Economic analysis
- · Lack of discussion of water supply implications until the appendix
- Cumulative Impacts
- Compliance with other Statutes
- Mitigation Measures

Scope of Analysis. Most of the SEIS focus on environmental effects, water quality and vegetation centers around the resources within Lake Okeechobee itself. This downplays the importance of the resources downstream of the Lake and further treats the Lake and estuaries as separate entities. The entities must be considered as a whole. The overall discussion on water quality in the Caloosahatchee and St. Lucie Estuary pales in comparison to the detailed discussion on Lake Okeechobee water quality. There is no discussion on nutrient concentrations or loading to either Estuary and there is no discussion of the relevant water quality standards for the Caloosahatchee or St. Lucie water bodies including total maximum daily load implications. The SEIS also fails to explain how Lake releases contribute to water quality problems, in the Estuary, i.e., the influence of nutrients, turbidity, freshwater, or color. The SEIS should model the water quality effects in the Caloosahatchee Estuary for each alternative, as well as the effects each alternative will have an algae growth (including blue-green algae), red tide, sea grasses, fish populations, endangered species, and other ecological impacts. The SEIS also should discuss impacts on State and Federal wildlife refuges and estuarine reserves.

The SEIS on page 1 states, "The areas considered to be most affected and which shall receive the greatest scrutiny in terms of impact assessment is the Lake itself, particularly within the littoral and marsh areas of the Lake, and major downstream estuaries including the St. Lucie and Caloosahatchee Estuaries." But, on page 84 relative to water quality in the Caloosahatchee basin, the SEIS states, "Nutrient and chlorophyll levels are high and small algal blooms occur regularly." This statement should be corrected because several of these algal blooms that occur are, in fact, very large, have devastating effects on the environment and economy of Southwest Florida and potential public health implications as the result of potential impact to the public water supply. In the same discussion the SEIS states that salinity is only a concern when discharge events exceed 2800 cfs at the S-79 structure for longer than 14 consecutive days, but the reality is that these discharges do occur and stand to occur more often due the implementation of the proposed alternative. Finally, that same discussion states, "These discharges of Lake water are just a piece of the puzzle of water quality conditions in the Caloosahatchee River and estuary." While the County recognizes the role of basin run-off in the Estuary's condition, this statement downplays the role of Lake discharges in the degraded water quality of the Caloosahatchee River and Estuary and

should be deleted. Analyzing the breakdown of releases shared between the S-77 and S-79 structure could help clarify these effects of basin run-off and Lake discharges.

Additionally, in Section 5.0 of the SEIS on Environmental Effects of the proposed alternative, while there is some analysis of performance measures for other parts of the natural system including the Water Conservation Areas and estuaries, discussions on threatened and endangered species such as the Snail Kite, Wood Stork, West Indian Manatee and Bald Eagle are all focused upon effects on those species in Lake Okeechobee. Many of these species occur in the estuaries as well, and there is virtually no discussion on impacts to these species occurring in those areas. Specific examples in Section 5.0 on Environmental Effects include:

- The SEIS fails to discuss the potential impacts to designated critical manatee habitat in the Caloosahatchee Estuary. The Caloosahatchee Estuary is critical habitat for the manatee. The analysis must consider growth rates and recovery to determine what the impacts to submerged aquatic vegetation ("SAV") in the Caloosahatchee Estuary may be. High flow events may be severe enough and frequent enough to prevent the SAV from recovering, and additional impacts may be pushing the estuary past an adverse ecological threshold thereby adversely impacting the critical habitat.
- The SEIS does not mention the historic and ongoing nesting of wood storks in Caloosahatchee Estuary, and does not analyze effects on storks there.
- The SEIS does not list the Kemp's ridley turtle (*Lepidochelys kempii*) as a species known to occur in the study area although there is significant data of use as far upstream as US41. This species has a preferred diet of horseshoe crabs and salinity changes could certainly have an indirect effect on this highly endangered turtle.
- The SEIS does mention bald eagle nesting around Lake Okeechobee but fails to consider similar uses for Caloosahatchee Estuary (19 active nests in Lee County in 2001 that met the same criteria used for Lake Okeechobee).
- The SEIS fails to discuss impacts on the Smalltooth Sawfish, which lives in the Caloosahatchee Estuary in the areas hit hardest by Lake releases.
- The SEIS fails to discuss impacts of Lake releases on other fish populations, oyster beds, crab populations, and other estuarine organisms.
- The SEIS does not discuss how Lake releases may affect or exacerbate red tide and blue-green algae which affects marine organisms.

Scope of Economic analysis. Section 5.8, on Socio-Economics, is completely lacking and specifically excludes any discussion on tourism income due to degraded conditions in the estuaries. There is significant discussion on the economic effects on the recreational industry on Lake Okeechobee and agriculture. The Recreation discussion in Appendix D, which provides a presumably more detailed economic analysis, is completely geared to recreation on Lake Okeechobee. Specifically Section 7.2 on page D-67 states, "There are other potential (non-fishing) economic effects from freshwater releases which are also associated with changes in estuarine water quality. These effects could include changes in: (1) waterfront property values if water quality degradation is severe or sustained and (2) the quantity or quality of recreation (and tourism) if the releases discolor the water at beaches or if the releases contribute to algae blooms that limit beach access. These non-fishing effects are beyond the scope of this investigation, but they are current sources of concern to local residents and businesses who enjoy the estuaries and depend on tourists who come to use them."

Lee County's Visitor and Convention Bureau has been very active in water resource issues over the last year specifically due to the significant and documented impact on tourism and

the economy felt in Southwest Florida from the degradation of our water resources. Lee County tourism is approximately a \$2 Billion a year industry and this industry employs 41, 125 people. Lee County has completed data research estimating an approximate \$3.5 Million adverse economic impact on the tourism industry during just the Sept-Nov 2005 timeframe due to the excessive Lake Okeechobee releases. Cumulatively, this adverse economic impact must be factored into the decision-making process for the proposed alternative. It is unclear why the document states that these significant, and cumulative, adverse impacts are beyond the scope of the SEIS process when the document describes these types of impacts for other areas such as Lake Okeechobee itself and , when they've gone to great efforts to compile it for other areas.

Lack of discussion of water supply implications. Section 5.13 states that the preferred alternative "allows for water supply requirements to be satisfied nearly as effectively as the current operational schedule WSE." There is some economic discussion of the water supply implications of the preferred alternative in Appendix D starting on page 30. That discussion concludes that there is no meaningful difference between the alternatives in terms of unmet demand the cost associated with that loss.

The most significant discussion on the water supply implications of the preferred alternative occurs in Appendix E, Simulation of Operational Alternatives for the Lake Okeechobee Regulation Schedule. Notably, the period of record is only 1965-2000 and this does not include all relevant drought and Hurricane data which would equate to the most significant extremes in recent history.

A baseline assumption of the simulation is that the SFWMD temporary forward pumps will be operated, which are neither permitted nor constructed at this time. On page 13, the SEIS states, "All alternatives evaluated, including the No-Action Alternative, assume operation of the SFWMD temporary forward pumps for water supply at S-354 (400 cfs), S-351 (600 cfs), and S-352 (400 cfs)." The SEIS does not appear to analyze a true "no action" alternative. These pumps are not being used now; hence they should not be included in the "no action" alternative. We also believe that the Corps should evaluate the forward pumps as part of this SEIS (but in a separate and additional alternative to the "no action" alternative), because the installation and operation of such pumps is a connected action to a new Lake regulation schedule.

From a water supply perspective, a tremendous amount of reliance is placed on those pumps for the operations of the preferred alternative. The pumps are contemplated to be operated when the Lake stage is between 10.2' and 11.2'. Water supply assumptions also include a lowering the Supply Side Management line by 1.0', which is subject of a separate SFWMD rulemaking effort and is currently being revised. The conclusions of the water supply analysis for the Lake Okeechobee Service Area, Lower East Coast Services area and Everglades Agricultural Area all show more phased cutbacks and more demands not met due to implementation of the alternative. For the County's water supply needs, while a relatively small amount of water is used by the County via Lake Okeechobee deliveries, increases in water supply cutbacks system wide and increases in exceedances of the Lake Minimum Flow and Level ("MFL") (over double the amount of exceedances for the period of record) are problematic. These impacts will concern all consumptive uses of water. Basing the entire risk to water supply on the operation of the temporary forward pumps may be a problematic assumption. Since even the No-Action Alternative assumes the addition of the temporary forward pumps (page 14 of the SEIS), there is no way to determine what any effects may be if the forward pumps do not come on line. As the U.S. Fish and Wildlife Service suggested early on in their correspondence for the LORSS, the alternatives must be modeled, and

results included in the SEIS, regarding the performance of the alternatives in a "withforward pumps" and "without-forward pumps scenario."

The SEIS also does not analyze potential impacts on drinking water supplies and other health concerns related to adverse water quality impacts. These concerns culminated in the 2005 Lee County Health Department posting of public health warnings related to algae blooms. Lee County draws some of its public drinking water supply from the Caloosahatchee River. Blue-green algae, which can produce harmful toxins, has appeared in the river associated with Lake releases. Such algae can be drawn into the drinking water intakes, and requires additional treatment in water treatment plants. We do not understand why the Corps has not studied this issue, because it is as much an issue of public health and safety as the Herbert Hoover Dike.

Cumulative Impacts. The SEIS has almost no discussion of cumulative impacts. Given the injury caused to the Caloosahatchee Estuary by repeated high Lake releases in recent years, the SEIS should analyze how the proposed alternatives would have cumulative impacts on important resources. The Corps should not defer such analysis to a later time, since the public should be aware of cumulative impacts of the new Lake schedules before the Corps acts.

**Compliance with other Statutes.** The discussion in the SEIS regarding compliance with other statutes needs to be strengthened. In its current form it simply serves as a cursory overview of the applicable statutory requirements. There is no analysis or facts offered to demonstrate as to whether or not this proposed alternative actually meets those statutory requirements. The document just states that the alternative is in compliance. For example, the analysis of impacts to Federally-listed threatened and endangered species is weak hence making it difficult to determine whether the Corps is complying with the Endangered Species Act. The analysis of water quality issues also leaves much to be desired, and does not inform the reader whether there have been violations of water quality standards. The SEIS should explain why the Corps need not comply with Clean Water Act sections 401 and 402 regarding the Lake releases into the Caloosahatchee River. The SEIS also should explain whether Florida permitting requirements found in Chapter 373 and 403, Florida Statutes, apply to operation of or discharges from Corps water control structures on the Lake, and whether the Lake regulation schedules will cause violations of minimum flows and levels in the Caloosahatchee Estuary. Other federal laws may come into play and need to be analyzed to insure compliance; such as the Marine Mammal Protection Act and the Magnuson-Stevens Marine Fisheries Act.

**Mitigation Measures.** The SEIS should discuss potential measures to mitigation adverse environmental impacts on the Caloosahatchee Estuary. In particular, the SEIS should discuss opportunities for additional water quality impacts of Lake releases. There is no such discussion in the SEIS, even though many mitigation opportunities exist.

#### IV. Recommended revisions and information to include in the SEIS

It is clear from reading the SEIS that no one particular alternative rises to the top in terms of stellar performance for the natural system overall. In fact, all of the alternatives, including the No-Action Alternative, benefit different parts of the system in different ways. The County strongly recommends revising the proposed alternative because 1BS2-m is not supportable in its current form. The following summary represents recommendations for either more detailed discussions or modeling, either through sensitivity runs or added assumptions, to be included in the SEIS.

No Increase in Harm to the Caloosahatchee in High Discharge Events. More work needs to be completed on the proposed alternatives to achieve at least a "no harm" standard from what occurred with WSE for the Caloosahatchee Estuary. Fundamentally, the County cannot support any alternative that creates any harm in the Caloosahatchee Estuary. Additional alternatives that provide real relief in the Caloosahatchee Estuary should be analyzed. The County also suggests modeling that shows what "mid-range" releases may be rather than "up to the maximum release" as the modeling assumption has incorporated thus far. The Corps should also account for the effect and reduction of the 700 cfs at the S-80 structure between WSE and the proposed schedule for the St. Lucie Estuary.

**Justification for 17.25' Constraint.** The basis for the 17.25' constraint appears to conflict in the document in terms of engineering rationale. While the County is mindful regarding the debate surrounding the integrity of the Herbert Hoover dike and the Governor's correspondence regarding this issue, significant volumes of water will be discharged to the Caloosahatchee Estuary to achieve that precise 17.25' target. We also note that Lake levels have exceeded 17.25 feet 10 times over the past 40 years, without causing the worst-case scenarios identified by some. While publicly the Corps has stated that the Regulation Schedule will drive Lake management, not the 17.25' constraint, this constraint eliminated viable alternatives from consideration that may have provided a different balance of benefits and substantially less impacts to the Caloosahatchee Estuary. The effect of this constraint cannot be overstated. In Project Delivery Team ("PDT") discussions regarding alternative development, the discussion has been clear that other target elevations were discussed and driving the alternative development process, such as 17.5'. The Corps imposed this 17.25' constraint on the alternative development process unilaterally. Modeling should occur that shows the volume versus discharge relationship for an elevation constraint between 17.25' and 18.5'. The Corps must provide a clear analysis of where these extra volumes of water will be discharged due the 17.25' constraint. The Corps should also include a discussion of when this constraint will not longer be a driving factor in Lake Okeechobee management.

**Base flows to both estuaries.** While the County is supportive of a constant base flow to the Caloosahatchee and the St. Lucie Estuaries, the appropriate level of base flow must be clearly achievable through Part 2 of the Regulation Schedule, not just through NTO. Appropriate base flows to both estuaries should be modeled to determine what benefit and reduction of impact to the Estuaries this may have on the regulation schedule.

Include more specific information on water quality in the Estuaries. Water quality requirements and conditions in the estuaries should be a limiting factor in the discharges that can be made. The SEIS provides no detailed discussion of the relevant regulatory context or water quality conditions in the estuaries but does regarding Lake Okeechobee. The SEIS also does not analyze the water quality impacts of the range of alternatives. The SEIS must address this issue due to ecological impacts, indirect economic impacts, and the implications of poor water quality to public health (e.g., blue/green algal blooms in the Caloosahatchee River) potentially affecting the Lee County public water supply.

Discussion of when conditions might improve to be able to move water south. The discharge of water to the STAs south to the WCAs is limited due to the quality of discharges from the Lake and the limited treatment capacity of the STAs. The document should include a discussion of when these conditions might improve in terms of projects to optimize the STAs or when Lake water quality may improve to allow more water to move

south. The constraints on the STAs, and flow volumes south, are not likely to exist in the future, and the Corps should provide of analysis of the benefits of achieving more historical flow patterns to the south.

**Modeling of the forward pumps.** These pumps are neither permitted nor constructed as of yet. Their permitted operation range is not known either. Endangered or threatened species issues could change the assumptions relative to the forward pumps which could have a marked effect on the impacts and operations of the proposed schedule. The Corps must provide some analysis of what the effects of the proposed regulation schedule may be if the forward pumps are not brought on line, or their operation is limited due to effects on listed species. The analysis of these pumps should be made part of the SEIS process, and not conducted separately.

Consider removing NTO. The proposed regulation schedule has a high level of flexibility incorporated into it already. There is significant operational flexibility which is found in each band and the overlap of each band. The NTO described in the document introduces too much uncertainty into the proposed schedule. Whatever flexibility is needed beyond the regulation schedule should be clearly identified through changes to the proposed alternative rather than masked in a "catch all" Non-typical Operation.

We appreciate the opportunity to provide these comments on the LORSS. We also look forward to working closely with you on making changes to the proposed alternative that eliminate the predicted harm to the Calooshatchee Estuary. We anticipate reviewing and commenting on the next versions of the SEIS. For any further questions you may have on these comments, please contact Kurt Harclerode, Lee County Division of Natural Resources, 239-479-8146.

Thank you for your attention to our comments.

Sincerely.

Támmára Hall Chairwoman

Lee County Board of County Commissioners

Attachment: Exhibit A

cc: District # 1, Janes

District # 2, St. Cerny

District # 3, Judah

District # 5, Albion

Donald D. Stilwell, County Manager

David Owen, County Attorney

Roland Ottolini, Natural Resources

Kurt Harclerode, Natural Resources

Wayne Daltry, Smart Growth

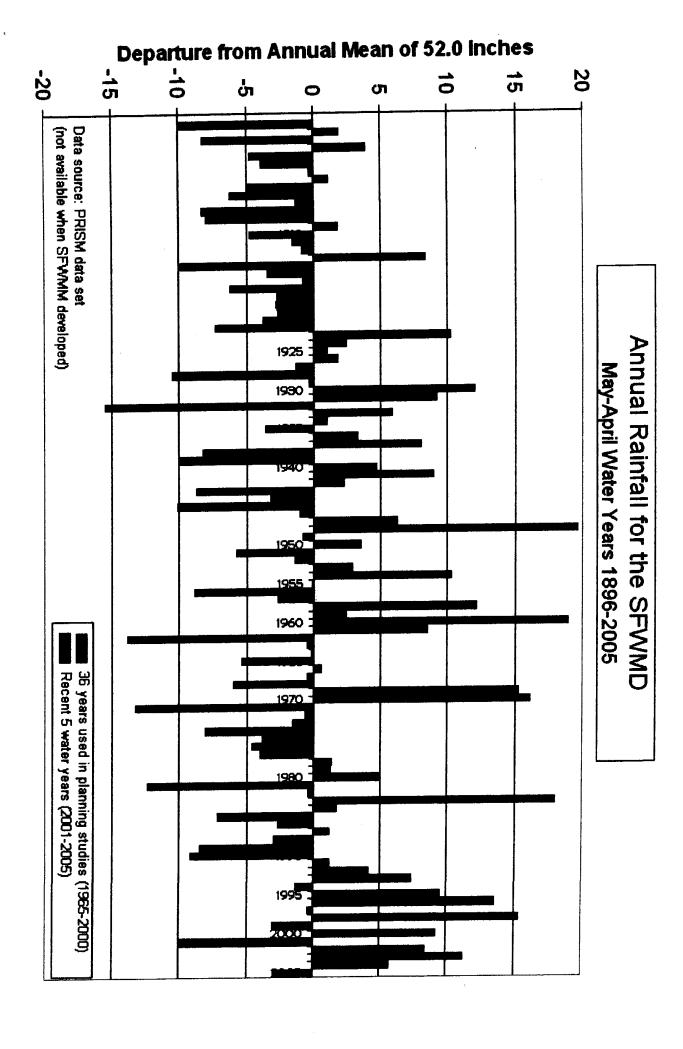
D T Minich, VCB

Tamara Pigott, VCB

Colonel Paul Grosskruger, USACOE, Jacksonville

Dennis Duke, USACOE, Jacksonville

Pete Milem, USACOE, Jacksonville





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ADA Coordination Agenda Coordination

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Art in Public Places

Audit and Management Services

Aviation

8uilding

Building Code Compliance Business Development

Capital Improvements

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Emergency Management

Employee Relations

Empowerment Trust

**Enterprise Technology Services** 

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services Independent Review Panel

International Trade Consortium

Juvenile Services

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

Planning and Zoning

Police

Procurement Management

Property Appraisal

Public Library System
Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transi

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sever

October 17, 2006

Mr. Pete Milam, Project Manager U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, Florida 32207

RE: Lake Okeechobee Regulation Schedule Study (LORSS) and Draft Supplemental Environmental Impact Statement (DSEIS).

Dear Mr. Milam:

Miami-Dade County appreciates the opportunity to provide comments on the proposed Tentatively Selected Plan (TSP) for the Lake Okeechobee Regulation Schedule Study (LORSS) and the associated Draft Supplemental Environmental Impact Statement (DSEIS). Miami-Dade County supports a regulation schedule that maintains Lake Okeechobee at optimal stages for both public safety and Lake health, while maintaining natural system, agricultural, industrial and municipal water supplies, and appropriate levels of flood protection.

Miami-Dade County is concerned about the following issues:

- The TSP will increase the number of months of water supply cutbacks and increase the amount of unmet demands during water restrictions, as compared to the No Action Alternative (07LORS).
- The TSP will provide decreased deliveries of regional system water supply to the Lower East Coast Service Area 3 (LECSA3), as compared to the No Action Alternative.
- Although the comparison of the TSP to the No Action Alternative does not show significant changes in groundwater stages (a reflection of flood protection levels) or flows to Biscayne Bay, the model resolution and information available from indicator cells is limited. In some instances on a system wide scale, output for flows or stages appear inconsistent, or are difficult to validate.

Districting Continue Day Day

Miami-Dade County understands that balancing the multiple goals of Lake Okeechobee is not an easy task. The County however, believes that additional emphasis must be placed on maintaining water supply, and requests more detailed documentation of expected water budgets and distribution.

Please contact Dr. Douglas Yoder at 786-552-8979 should you have any question regarding Miami-Dade County's concerns.

Singerely,

County Manager

c: Roger M. Carlton, Assistant County Manager Carlos Espinosa, DERM Director John Renfrow, Water & Sewer Director

# CHARLOTTE HARBOR NATIONAL ESTUARY PROGRAM

1926 Victoria Ave, Fort Myers FL 33901-3414 www.CharlotteHarborNEP.org 239/338-2556 SUNCOM 748-2556 Toll Free 866/835-5785 Fax 239/338-2560

September 26, 2006

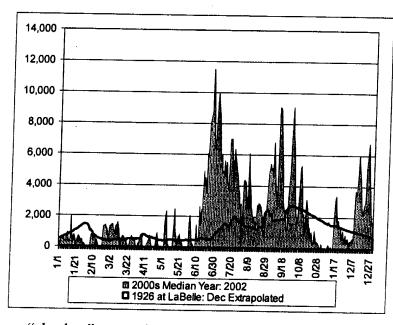
tional Estuary Prog

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Boulevard Jacksonville, FL 32207-8175

RE: Lake Okeechobee Regulation Schedule Study

Dear Mr. Milam:

Thank you for meeting with partners of the Charlotte Harbor National Estuary Program (CHNEP) on August 25, 2006. I also want to thank the U.S. Army Corps of Engineers for responding to our February 18, 2004 letter, requesting a re-evaluation of the Water Supply/Environmental (WSE) Regulations controlling water flows from Lake Okeechobee to the Caloosahatchee estuary. As you know, flows to the estuary no longer yield a natural hydrograph, do not deliver enough fresh water in the dry season, and deliver excessive flows in the wet season. The following chart compares flows at S-79 during a fairly typical year (2002) and daily flows measured at LaBelle in 1926. The CHNEP Comprehensive Conservation and Management Plan (CCMP), adopted pursuant to Section 320 of the Clean Water Act, specifically calls from a more natural hydrograph including moderating peak flows. Any action which better reflects the natural flow conditions represented by the 1926 data helps to implement our CCMP.



On July 12, 2006, the U.S. Army Corps of Engineers held a public meeting in Fort Myers to present the results of the Lake Okeechobee Regulation Schedule Study. The choice presented as the Tentatively Selected Plan (TSP) for Lake Okeechobee management was 1bS2m. CHNEP believes that Alternative 1aS2 better met the CHNEP CCMP objective HA-2 which calls for maintaining a more natural seasonal variation for the Caloosahatchee River. Alternative 1aS2, however, was eliminated when the Corps imposed a 17.25' elevation constraint. This 17.25' elevation was utilized as

an "absolute" constraint, rather than a performance measure, and will result in sustained, large volume releases.

On August 22, 2006, the draft Supplemental Environmental Impact Statement (SEIS) was posted on the project website, providing a 45-day comment period ending on October 2, 2006.

P. Milam August 23, 2006 Page 2 of 3

The CHNEP provides the following comments and requests changes be made to respond to our suggestions:

- The imposition of the "absolute" constraint of 17.25" elevation reduced the ability for Lake Okeechobee to hold water which will result in excessive flows to the Caloosahatchee estuary. The CHNEP supports the need to protect public safety as it relates to Lake Okeechobee dike integrity and acknowledges the importance of factoring such considerations into the analysis. Therefore, we recommend that the base elevation of the Base Flow zone be lowered to accommodate the reduction of volume related to the High zone. This will reinstate the lost free-board necessary to deliver lower, longer releases to better replicate natural water delivery to the estuary.
- This year, the District and the Corps have been more successful in meeting delivery target water flows to the Caloosahatchee estuary. This has been related to better anticipation of weather conditions and more flexibility. Using a sliding scale of 450-800 csf for the Caloosahatchee and 0-350 csf for the St. Lucie has been very successful. The protocols used that have been successful should be added to Appendix A.
- Protocols added to Appendix A should include as a primary consideration target salinity regimes in the Caloosahatchee estuary and fish spawning in the St. Lucie estuary.
- The Lake Okeechobee Regulation Schedule is just part of a parent Lake Okeechobee and EAA Water Control Plan. There is no analysis regarding the relief that other parts of the system can contribute to lake safety, lake health, and estuary health. For example, there is no analysis given regarding temporary storage north of the lake by temporary deviations from height limits to prevent water creating health and safety problems with the lake. These other opportunities to reduce lake elevations need to be captured or, in some cases, re-captured under the SEIS. The SEIS's continued reliance, under all conditions, on the "practicability" of discharges through the EAA to the WCAs perpetuates a system under which "impracticability" to the South results in destruction of the estuaries to the East and West. More creativity needs to be addressed to the conditions under which releases to the South will be considered to attempt to establish a more natural hydrological regime for south Florida.
- The RECOVER performance measures for the Caloosahatchee Estuary that were relied upon by the Corps in developing the SEIS are stated in terms of release rates at S-79. Therefore, permissible Lake Okeechobee release rates at S-77 should be expressed as the release rate through S-77 which, when added to the basin drainage at S-79, equals the selected performance measure for the Caloosahatchee Estuary.
- The maximum wet season flow to the Caloosahatchee at S-79 that is scientifically documented to be acceptable from an environmental standpoint is 2,800 cfs. Therefore, the SEIS should be amended to eliminate releases to the Caloosahatchee that result in flows in excess of 2,800 cfs at S-79 except when the lake's elevation reaches the High Lake Management Band.
- If releases to the Caloosahatchee Estuary in excess of 2,800 cfs at S-79 continue to be a part of the proposed regulation schedule at lake elevations lower than the High Lake Management Band, the Corps must support that proposal with a full assessment of the environmental impacts on the Caloosahatchee Estuary of those demonstrably damaging releases. Those estuarine environmental impacts must then be balanced against the environmental impacts that would be experienced in the lake, above the lake, in the EAA, and by other users of lake water in order for the LORSS SEIS to meet its stated objective of providing "a more equal distribution of shared adversity" than exists under the current WSE.

- Under the SEIS, pulse releases would no longer be limited to traditional Level 1, 2 or 3 pulses, but would be variable at will up to the maximum flows authorized by the regulatory schedule. While some flexibility in the management of pulse releases likely is desirable, the Corps has succeeded in building in that flexibility over the last year -- for example, by employing partial Level 1 releases when circumstances warranted. The revised schedule should retain specified Level 1, 2 and 3 pulse releases, but should expressly authorize partial pulses where warranted and otherwise consistent with the Operational Guidance.
- It is unclear why so-called "Make-up Releases" are only authorized where the release is to tide (i. e., to the estuaries). If it is important to ensure that authorized releases from Lake Okeechobee to tide occur as soon as limiting downstream conditions abate, it seems equally important that impeded releases through the EAA to the WCAs also occur as soon as impediments no longer exist. The Corps should expand the notion of Make-up Releases to include both releases to tide and those through the EAA to the WCAs.
- The proposed "Non-typical Temporary Operations" (NTO) scenario functions as preplanned temporary deviation from the basic regulation schedule of the SEIS. The conditions under which NTO are triggered however, are over-inclusive. Legitimate triggers include existing undesirable high lake levels and forecasts of imminent undesirable high lake levels resulting from weather conditions or hydrologic modeling. Unsupportable triggers include (1) long-range or seasonal weather forecasts; (2) unusual ongoing or planned temporary deviation activities at C&SF Project features (e.2.. planned muck removal operations which require lower lake elevations); (3) the desire to facilitate a periodic managed recession of the lake; and, (4) simple agreement among State and Federal agencies indicating an as yet unidentified "need." Authorizing damaging high-volume releases to the estuaries, in particular to the vulnerable Caloosahatchee Estuary on the grounds of suspicion and expedience cannot be supported. These latter 4 triggers should be deleted from the final regulation schedule and the Corps should rely instead on case-specific temporary deviations when specific needs are identified.

Finally, CHNEP supports the following shown in the Draft SEIS schedule:

- Renaming the zones from A through E to the proposed naming hierarchy.
- Designating a base flow zone of 450 csf at S79.

The CHNEP recognizes that the publication of the Draft Supplemental Environmental Impact Statement (SEIS) marks the beginning of a 45-day public comment period ending on October 2, 2006.

If the Charlotte Harbor National Estuary Program can assist you in these tasks in any way, please let me know at lbeever@swfrpc.org.

Sincerely,

Lisa B. Beever, PhD, AICP.

Director



September 15, 2006

Mr. Pete Milam, Project Manager U. S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Re: Comments regarding the Lake Okeechobee Regulation Schedule Study (LORSS)

Dear Mr. Milam,

On behalf of the Caloosahatchee River Citizens Association/Riverwatch, I would like to comment on the proposed schedule for water releases discharged from Lake Okeechobee into the Caloosahatchee. Last October, our organization nominated the Caloosahatchee as one of America's Ten Most Endangered Rivers. In April 2006, the American Rivers Report of the Ten Most Endangered Rivers in America was published and the Caloosahatchee ranked seventh in the nation. This "distinction" is not one of pride but great alarm to those of us living in Southwest Florida.

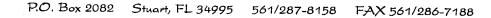
This past summer, our river has continued to be plagued with a minimum of five toxic algae blooms, causing health problems to local residents and tourists alike. A ban on the local consumption of shellfish was posted when eleven tourists were taken ill this summer. There has been a decrease in the local tourism industry, which directly impacts on the local economy.

The problems that the Caloosahatchee faces are the direct result of the nutrient pollutants being discharged into the river. We don't want further discharges to be released into the Caloosahatchee but to be released to the south of the Lake.

Sincerely,

Marti Saltry
Marti Daltry, President

Caloosahatchee River Citizens Association/Riverwatch





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September 20, 2006

Colonel Paul Grosskrueger

District Engineer

US Army Corps of Engineers

Jacksonville District 701 San Marco Blvd.

Jacksonville, FL 32207-8175

Re: LORS Draft Supplemental EIS

#### Dear Colonel Grosskrueger:

I enjoyed meeting you at the Martin County public hearing on the Supplemental EIS and look forward to meeting privately with you to further discuss the St. Lucie River and its relationship to Lake Okeechobee and CERP.

We appreciate the Corps offering the opportunity to comment on the new proposed LORS. Following are our comments.

- 1. The most obvious shortcoming of the proposed LORS is allowing Lake O levels (up to 17.25') high enough to create a 10% probability of Dike failure. Both Corps and SFWMD studies indicate Dike failure has become more likely over time due to repeated and excessively high Lake levels experienced during the Run 25 and WSE schedules, and associated damages to the Dike. A 10% probability of failure is far too high to be an acceptable risk of public safety.
- 2. It has more recently become understood that extreme low levels (below 11') also damage the Dike, due to oxidation of organic matter contained within it. The proposed forward pumps to expand water supply at low Lake levels increase the frequency and duration of low Lake levels and thus increases Dike damages and risk of failure.
- 3. Both 1 and 2 above are direct effects of storing and supplying EAA irrigation water in the Lake. The sugar industry has never suffered a documented crop loss due to either drought or flood. Sacrificing public safety for perfect sugar production is not acceptable public policy.
- 4. With the apparent exception of the SFWMD Governing Board, the rest of world understands the Atlantic Multidecadal Oscillation significantly affects the relationship between rainfall and stormwater runoff in Florida. The most recent

switch into the warm (wet) phase took place in 1994-95. Modeling Lake O schedules using the SFWMM model and 1965-2000 period of record effectively averages six warm phase years with 30 cool (dry) phase years. This severely distorts the modeled LORS behavior versus what will actually occur under the most probable near-term climate conditions.

- 5. One obvious result of this modeling is that it overestimates water shortages and underestimates the frequency of high level local basin runoff volumes and Lake O regulatory release impacts to the coastal estuaries.
- 6. Using this modeling to compare the proposed LORS to CERP performance measures is worse than useless because it is so misleading. Climatologists generally agree that the trend from dry to wet AMO is not a monotonic trend, it is more like a switch function. The CERP performance measures were established using the 1965-1995 period of record, all dry cycle years. CERP performance measures would be different if the wet cycle weather pattern had been used to establish them.
- 7. It is unacceptable that SFWMD prevents Lake O flows south. We realize the proposed schedule does not include new construction features, but significant southern flow is required to share the adversity. SFWMD must be convinced that the taxpayers in the District deserve some of the STA capacity they are paying to build and operate for Lake O, it cannot all be dedicated to the EAA. We understand this is not a Corps problem, but hope the Corps will be firm in requiring the District provide adequate treatment capacity south to manage Lake O safely and fairly during development of the next LORS.
- 8. Further, the SFWMM model maintains the EAA water table 18" below ground regardless of the status of every other variable in the system, to the extent that the EAA essentially receives perfect drainage and perfect water supply while the estuaries are trashed and public safety threatened.
- 9. The current STA's were designed to treat 1.4M acre-feet of water a year, of which 250,000 acre-feet was to be Lake O water. The EAA is draining more like 2M af per year during the AMO wet cycle, which is leading the District to construct more STA capacity for the EAA. We find it bitterly ironic that the only action SFWMD is taking to acknowledge the reality of AMO is building more EAA drainage water quality treatment.
- 10. Arguments that the AMO cycle is not predictable enough to use in modeling or water management are moot. If the measured Atlantic sea surface temperature is above the criterion for the warm (wet) phase, we must manage for the wet cycle and focus more on conveyance. When it eventually flips back to the cool (dry) phase, we should alter management accordingly and focus more on storage.

- 11. The revised Decision Tree Part 1 calls for Maximum Practicable Releases to the WCA's under many common flood control conditions. However, SFWMD has recently restricted Lake O releases to WCA's to 63,000 acre feet a year (Appendix E) because all the water quality treatment capacity in the STA's is being used up, and then some, by EAA drainage. In reality SFWMD is allowing no Lake O water to go through the STA's, and has no current plans to build any STA capacity for Lake O. What is the point of having a decision tree in a regulatory schedule for an action SFMWD has prohibited?
- 12. New Decision Tree Part 3 is still too confining to enable prompt and appropriate action under unusual climatic conditions. We are assured climatic conditions will not be per the modeling used for this LORS, and the Corps needs more flexibility to react as early as possible to reduce damages to the Dike, Lake and coastal estuaries.
- 13. Pulse releases, even level I, damage the St. Lucie Estuary when they are repeated in succession. We have assembled the salinity evidence to prove this and have transmitted same to the Corps. In short, 500 cfs continuous from Canals C-44, 23 and 24 combined drops salinity in the Middle Estuary to 15 ppt. The South Fork drops to 4 ppt with 500 cfs from C-44 only. So we have to expect oysters cannot survive in the South Fork under any significant freshwater flow. However, the Middle Estuary can support oysters at 500 cfs, and some are better than none. So we would propose continuous Lake O releases of 500 cfs when Canals C-44, 23 and 24 are not running, dropping Lake O releases to zero when they are running above 500 cfs collectively, and when they are running less than 500 cfs collectively, making up the difference with Lake O discharges. This discharge rate would be in effect at all times the lake is above 12' during the wet season, but would be tapered off in the spring oyster and fish spawn to 200 cfs, then gradually raised back to 500 cfs around June.
- 14. We recommend all other outlets be treated similarly according to their tolerance for freshwater stress, as the AMO wet cycle averages about 1.5 M acre-feet a year excess water in Lake O, and all the tidal outlets for the Lake suffer under higher level regulatory discharges. We view our proposal for low constant releases as "salinity envelope" maintenance, and believe that a relatively constant salinity gradient in estuaries varying from lower in wet season to higher in dry season is preferable to extreme variations caused by Lake O regulatory releases, including pulses sent east. However, we also believe each estuary has its own unique characteristics and that local knowledge is essential for fine tuning each in terms of rate and pattern of freshwater releases.
- 15. The rates of discharge to tidewater in the LORS should be more flexible, with provisions for coordinating with locals on how much water can be released with minimal damage. The overall schedule goal should be about 2000 cfs capacity from all outlets, and all outlets, including south, should be in use as much of the time as possible.

- 16. We want to be clear that we do not want nor need Lake O water in the St. Lucie Estuary. When the IRL Plan is completed, the infrastructure to send excess freshwater in the local basin via 10 mile Creek to the North Fork will exist, and this will be far more desirable than the current South Fork C-44 release pattern, as 10 mile Creek was historically the major freshwater source for the St. Lucie.
- 17. We appreciate the limits the Corps must operate under, and believe the public should be better informed within the SEIS as to why many of these limits (such as failure to send water south) are results of SFWMD, not Corps, policy.
- 18. Despite myriad flaws in this proposed LORS, we believe it the best effort the Corps has made to date in regulating the Lake, that improvements to Lake health are critical, and we encourage further improvements addressing the comments herein be made prior to LORS adoption.

Thank you for your consideration, and please do not hesitate to request clarification if

needed.

VA = I

resident

C: Pete Milam Dennis Duke Andrew Geller

1450 Merrihue Drive • Naples, Florida 34102 239.262.0304 • Fax 239.262.0672 www.conservancy.org

October 13, 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville FL 32207

Re: Draft SEIS, Lake Okeechobee Regulation Schedule Study

Dear Mr. Milam:

Please find enclosed documents and other data to be considered as part of the comments of the Conservancy of Southwest Florida with regard to the Draft SEIS, Lake Okeechobee Regulation Schedule Study. These include the following:

1. A CD of various reference documents that are cited in our comments

2. A paper copy of pages from our reference to a Florida Fish and Wildlife Commission report.

Further written comments and documents will be submitted under separate cover on October 16, 2006.

Thank you for your assistance.

Jennifer Hecker

cc: Yvonne Haberer



450 Merrihue Drive•Naples, FL 34102 239.263.0304•Fax 239.262.0672 www.conservancy.org

October 13, 2006

Pete Milam
Project Manager
U.S. Army Corps of Engineers
701 San Marco Blvd.
Jacksonville FL 32207
Via FedEx

Re: COMMENTS OF THE CONSERVANCY OF SOUTHWEST FLORIDA ON DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT ON

LAKE OKEECHOBEE REGULATION SCHEDULE

#### 1. PRELIMINARY STATEMENT

The Conservancy of Southwest Florida ("Conservancy") appreciates the opportunity to provide comments on the Corps of Engineers' Draft Supplemental Environmental Impact Statement ("DSEIS") on Lake Okeechobee Regulation Schedule. The Conservancy is a nonprofit environmental advocacy and education organization whose purpose is to sustain and protect the natural environment of Southwest Florida. The Conservancy has more than 6,000 members in Southwest Florida, including approximately 400 in Lee County. Members of the Conservancy live or own property on the Caloosahatchee River and Estuary, and many members use these waters for fishing, wildlife viewing, and other recreation. The management of Lake Okeechobee as determined by the LORSS will have a significant impact on the interests of citizens throughout Southwest Florida, including the Conservancy's members. The Conservancy has participated throughout the process of development of this DSEIS and has appeared at several meetings and presented comments.

These written comments summarize the concerns that the Conservancy has about the DSEIS. We have also enclosed copies of reports, studies, and other relevant data. In addition, we have submitted under separate cover other reports, studies, and data, which should be reviewed in conjunction with these comments. We request that you consider all of this information in revising the DEIS and in your decision ultimate decision on the

Lake Okeechobee Regulation Schedule. We also request that these comments and other documents be made part of the official record for the Corps' DSEIS.

In summary, we request that the Corps prepare and circulate another DSEIS to correct the deficiencies discussed herein and that the Preferred Alternative in the DSEIS be rejected based on the comments presented during this comment period.

# 2. THE CORPS' SCOPING DECISIONS WERE ARBITRARY AND CAPRICIOUS

The Corps' scoping decisions in the preparation of the DSEIS were arbitrary and capricious and effectively limited the selection of any alternatives that would have provided more protection to the Caloosahatchee River and Estuary. These include the absolute cap of 17.25 feet for the level of Lake Okeechobee, the refusal to consider any structural alternatives, and the absolute cap on the discharges to the stormwater treatment areas from the water conservation areas.

NEPA ensures "that important effects will not be overlooked or underestimated only to be discovered after resources have been committed or the die otherwise cast." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 349 (1989). Accord Sierra Club v. United States Army Corps of Eng'rs, 295 F.3d 1209, 1214 (11th Cir. 2002). An EIS "shall provide full and fair discussion of significant environmental impacts and shall inform decisionmakers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. . ." 40 CFR § 1502.1.

In order to comply with these important purposes of NEPA, the first step in preparing an EIS is to determine its scope. Under 40 C.F.R. § 1508.25 the scope of an EIS "consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement."

To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include: (a) Actions (other than unconnected single actions) which may be: (1) Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they: (i) Automatically trigger other actions which may require environmental impact statements. (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously. (iii) Are interdependent parts of a larger action and depend on the larger action for their justification. (2) Cumulative actions, which when viewed with other proposed actions have cumulatively significant impacts and should therefore be discussed in the same impact statement. (3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or

geography. An agency may wish to analyze these actions in the same impact statement. It should do so when the best way to assess adequately the combined impacts of similar actions or reasonable alternatives to such actions is to treat them in a single impact statement. (b) Alternatives, which include: (1) No action alternative. (2) Other reasonable courses of actions. (3) Mitigation measures (not in the proposed action). (c) Impacts, which may be: (1) Direct; (2) indirect; (3) cumulative.

The alternatives analysis is "the heart of" the EIS. 40 C.F.R. § 1502.14. NEPA requires agencies to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." 42 U.S.C. § 4332(2)(E). NEPA regulations require that "Federal agencies shall, to the fullest extent possible: [u]se the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." 40 C.F.R. § 1500.2(e). The purpose of this "rigorous" analysis is to "provid[e] a clear basis for choice among options by the decisionmaker and the public." 40 C.F.R. § 1502.14; see also 42 U.S.C. § 4332(2)(E); 40 C.F.R. §§ 1507.2(d), 1508.9(b). "The result of this analysis should be a set of options which reveal a clear basis for choosing among alternatives." Sierra Club v. Flowers, 423 F. Supp. 2d 1273, 1331 (D. Fla. 2006).

Unfortunately for the Caloosahatchee the management of the Lake is connected to several other actions that are not being analyzed in this DSEIS. These other actions and their alternatives are being ignored by creating artificial constraints on the scope of the DSEIS. Furthermore, the DSEIS has ignored both the no action alternative and other reasonable actions, as well as mitigation measures.

# a. The Absolute Cap of 17.25 Feet for Lake Okeechobee is Arbitrary and Capricious.

The Corps placed an arbitrary constraint on the alternatives considered in the SEIS to the detriment of the Caloosahatchee by refusing to consider any regulation schedules that resulted in lake levels above 17.25 feet NGVD. The SEIS states that the Corps is relying on its 1998 evaluation of the risk of failure of the Herbert Hoover Dike for the limit of 17.25, but this report does not support this maximum level. (See Herbert Hoover Dike Major Rehabilitation Evaluation Report, U.S. Army Corps of Engineers 1998). The SEIS also refers to the April 28, 2006, letter from the Governor of Florida requesting certain actions to ensure the safety of the dike. However, nothing in the Governor's letter supports 17.25 as the maximum level for the lake.

The Corps' 1998 report concluded that 18 feet is the level at which the risk of failure of the Herbert Hoover Dike would begin to cause concerns. The maximum probability of breach at 18 feet for any portion of the dike was estimated as 14%, which placed this portion and two others in the "hazardous" category. The summary of the results in Table 5 of the report did not even include any levels below 18 feet, and calculation results in Appendix H placed the maximum probability of failure at 17 feet elevation at 4%, which

was adjusted to 0% in the final calculations reported in Table 5. A level of 17.25 feet would not be 0, but it certainly would not reach the "hazardous" category.

Governor Bush's letter to the Corps did not request a specific lake level. It also does not call for a whole new regulation schedule, just for "lower levels through the hurricane season." It does call for acceleration of the rehabilitation work currently underway.

In the 1998 report, the Corps developed rehabilitation options for the Herbert Hoover Dike, which were subsequently addressed in an EIS. This EIS and the actions being pursued for rehabilitation of the dike should have been considered as interconnected in the scope of the SEIS rather than creating an artificial constraint on the scope of this SEIS. According to the Corps' 1998 report, the preferred plan for rehabilitation of the dike would reduce the probability of breach at 18 feet to less than 5%. In the Assistant Secretary's response to Governor Bush on May 3, 2006, he stated that "[t]he first phase of the planned Herbert Hoover Dike rehabilitation is currently under way. The President's budget for fiscal year 2007 includes \$39.884 million, which the Corps identified as its spending capability for the Dike, to continue this rehabilitation work." This rehabilitation is planned to result in a dike that is safe at levels even greater than 18 feet.

The Corps has not documented the necessity for the 17.25 feet maximum level for the safety of the Herbert Hoover Dike. It is obvious from the results that setting this arbitrarily limit on the lake level is detrimental to the Caloosahatchee. Failure to consider alternative regulatory schedules that might occasionally result in lake levels exceeding 17.25 feet is therefore arbitrary and capricious.

# b. The Absolute Cap on Flows to the Stormwater Treatment Areas is Arbitrary and Capricious.

The absolute cap on flows to the Stormwater Treatment Areas 3 and 4 is another interconnected action that should have been evaluated in the DSEIS rather than placing an artificial constraint on its scope. By constraining both lake levels and the WCA outlet from the lake, the Corps has preselected alternatives that will necessarily harm the Caloosahatchee River and Estuary. The Conservancy supports the concern about adequate treatment of discharges to the Everglades to maintain water quality, but the Corps should not automatically assume, as it did, that Everglades water quality trumps Caloosahatchee water quality. The DSEIS presented no justification for this assumption and contained no information by which a decision maker could balance the impacts to the WCAs and the Everglades with that to the Caloosahatchee during high lake events. The SEIS did not even present adequate information to determine how the flow constraints were determined, which deprives both the public and decision makes of the ability to evaluate the constraints. Furthermore, by setting the artificial constraint on flows to the STAs, the Corps did not consider any alternatives for increasing the volume of lake water

<sup>&</sup>lt;sup>1</sup> U.S. Army Corps of Engineers. 2005. Final Environmental Impact Statement for the Herbert Hoover Dike Major Rehabilitation Evaluation Report. Jacksonville District; Jacksonville, Florida.

which can be treated in the STAs, such as by reducing the levels of phosphorous in the lake, by expanding the size or increasing the efficiency of the STAs.

c. <u>The Corps Improperly Excluded Any Alternatives Involving Structural Modifications to the Lake Okeechobee System.</u>

The Corps made it clear that it was excluding any alternatives which would rely on structural changes to the Lake Okeechobee system. This arbitrary limitation on the scope of the DSEIS, coupled with the other two limitations discussed above, limited the alternatives to those that would have little possibility of significantly improving the condition of the Caloosahatchee River and Estuary.

While the Conservancy understands the complexity of the system, and that longer term fixes will come through major construction programs, like CERP and Acceler8, the new regime may not be as temporary as the Corps envisions in the DSEIS. The deck of CERP projects is being reshuffled annually with the failure of the U.S. Congress to authorize a Water Resources Development Act and with the District moving rapidly forward on a limited number of projects. We are not suggesting that the Corps reanalyze all of CERP as part of this SEIS, but there certainly could be some reasonable actions that could be taken in the short term for increased water storage or diversion of flows during high lake events to prevent blowing out the Caloosahatchee Estuary. The Corps was arbitrary in refusing to consider any such alternatives in the DSEIS.

For instance, the District's Lake Okeechobee and Estuary Recovery Plan contains several elements in addition to changing the regulation schedule, both short and longer term, including structural changes to components of the Lake Okeechobee system. "Fast track" projects to be completed by 2009 include new reservoirs and STAs north of the lake to reduce flows and nutrient levels. The LOER also includes the identification by 2008 of alternative sites on public, private, and tribal lands for moving and storing excess water from the lake and its tributary basins to help reduce high discharge volumes to the estuaries. There are also measures in the LOER Plan that would reduce the nutrient levels in the lake and estuary which could permit more water to be treated effectively in the STAs instead of being discharged to the estuaries. (See SFWMD, Final LOER Plan).

The Conservancy and other groups have called for longer term structural changes to the system to better protect the estuaries based on the concern that CERP projects are not moving forward and will not be sufficient to prevent damaging discharges if they are completed. Instead of refusing to consider any longer-term structural changes to the system as part of this DSEIS, the Corps should at least perform a preliminary evaluation of changes that would send more water south from the lake for storage and treatment in the EAA before ultimate release to the Everglades. Evaluating these alternatives now can set the stage for more detailed evaluations in the future if components of CERP are not completed, prove technologically infeasible on such large scale (e.g. ASR), or are judged not to be sufficient to protect the Caloosahatchee.

### d. There is Not a Clear Baseline or No-Action Alternative.

The SEIS discusses the baseline or no-action alternative as the Corps Water Supply and Environment ("WSE") regulation schedule approved in 2000. In fact, the current regulation schedule is a Temporary Deviation to the WSE approved by the Corps for the period January 26, 2006, to December 31, 2006. There were also temporary deviations in 2004 and 2005. The analysis contained in the SEIS did not appear to include the regulations schedule embodied in the current Temporary Deviation, which was a response to three highly active tropical cyclone years.

Furthermore, it is not clear whether the analysis included the so-called "Adaptive Protocols for Lake Okeechobee Operation" developed by the SFWMD and the Corps in 2002. (South Florida Water Management District. 2003. Adaptive protocols for Lake Okeechobee operations. January 2003. West Palm Beach, Florida). The Corps should clearly address whether these Adaptive Protocols part of the baseline or no-action alternative.

Finally, the baseline considered in the SEIS is not a "no action" alternative as required by NEPA regulations. It is the 2000 WSE plus temporary forward pumps leading to permanent forward pumps. The Conservancy is not opposed to forward pumping and is not advocating the continued use of the 2000 WSE, but we believe it is important for the SEIS to state clearly what the no-action alternative is and to evaluate it with the other alternatives. If forward pumping is being evaluated under NEPA, it should be addressed as part of this DSEIS.

### e. The SEIS Violates NEPA by Failing to Include Mitigation Measures.

One important ingredient of an EIS is the discussion of steps that can be taken to mitigate adverse environmental consequences. The U.S. Supreme stated in <u>Robertson v. Methow</u>, 490 U.S. 332, 351-52 (1989):

The requirement that an EIS contain a detailed discussion of possible mitigation measures flows both from the language of the Act and, more expressly, from CEQ's implementing regulations. Implicit in NEPA's demand that an agency prepare a detailed statement on "any adverse environmental effects which cannot be avoided should the proposal be implemented," 42 U. S. C. § 4332(C)(ii), is an understanding that the EIS will discuss the extent to which adverse effects can be avoided. More generally, omission of a reasonably complete discussion of possible mitigation measures would undermine the "action forcing" function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects. An adverse effect that can be fully remedied by, for example, an inconsequential public expenditure is certainly not as serious as a similar

effect that can only be modestly ameliorated through the commitment of vast public and private resources. Recognizing the importance of such a discussion in guaranteeing that the agency has taken a 'hard look' at the environmental consequences of proposed federal action, CEQ regulations require that the agency discuss possible mitigation measures in defining the scope of the EIS, 40 CFR § 1508.25(b) (1987), in discussing alternatives to the proposed action, § 1502.14(f), and consequences of that action, § 1502.16(h), and in explaining its ultimate decision, § 1505.2(c).

The DSEIS, while acknowledging the adverse impacts to the Caloosahatchee River and Estuary from the Preferred Alternative, did not discuss mitigation measures at all. It is not enough to refer to longer term remedies, such as CERP, to mitigate for the impacts of the regulation schedule. As discussed in the section dealing with structural modifications above, there are shorter term measures that should be analyzed, if not as alternative actions, as mitigation for the proposed action.

# 3. A LONGER PERIOD OF RECORD SHOULD BE USED FOR THE MODEL OF RAINFALL TO INCORPORATE THE CURRENT WET CYCLE.

The SEIS and its choice of a Preferred Alternative are flawed due to the reliance upon a rainfall and runoff model which does not include the current wet period. The model used in the SEIS includes a period of record from 1965 to 2000. Yet, some of the worst releases to the Caloosahatchee have occurred since this time, and there is a growing scientific consensus that we have entered a new period of wetter weather, which would not be reflected in the period of record used, which was from an extended drier period.

Climate scientists believe that there is an Atlantic Multidecadal Oscillation ("AMO"), and that there are significant differences in Lake Okeechobee inflows between dry phases and wet phases. The dry phase, which lasted from about 1965 to 1994, has shifted to a wet phase, which means that practically the whole period of record used by the Corps for evaluation of the LORSS does not represent the wet phase we are now in. There is evidence that during the previous wet period from around 1930 to 1964 the inflows to the lake were about double as compared to the dry period of 1965 to 1994. (David B. Enfield, et al..The Atlantic Multidecadal Oscillation and its Relationship to Rainfall and River Flows in the Continental U.S. Geophysical Research Letters, Vol. 28, No. 10, Pages 2077-2080, May 15, 2001).

The Corps should develop the means of modeling the performance of a full range of LORSS alternatives with projected rainfall and inflow from the current wet period, including at least the data available from 2000 to 2005. Failure to do so, in the face of the evidence of a significant difference in inflows to the lake, calls into question the whole LORSS.

# 4. THE DSEIS FAILS TO ADDRESS WATER QUALITY IN THE CALOOSAHATCHEE RIVER AND ESTUARY, INCLUDING COMPLIANCE WITH WATER QUALITY STANDARDS.

The DSEIS does not address the impacts of the discharges from the lake on water quality, sweeping the entire issue under the rug with the statement, "[t]hese discharges of lake water are just a piece of the puzzle of water quality conditions in the Caloosahatchee River and estuary." There is ample evidence that the regulation schedule has dramatic impacts on water quality in the Caloosahatchee, including abnormal salinity levels (low and high), high nutrient levels, dark color and turbidity, and pesticide contamination.

The Florida Department of Environmental Protection Impaired Waters List shows that much of the Caloosahatchee River and Estuary have been classified as failing to meet state water quality standards, even by the strict data requirements of the Florida Impaired Waters Rule. Many of the water bodies are impaired due to high nutrients and low dissolved oxygen. Yet, there was no discussion in the DSEIS of how the regulation schedule impacts the ability of the Caloosahatchee to meet water quality standards.

A recent White Paper by the SFWMD evaluated water quality issues in the Caloosahatchee, including nutrient pollution, and dispelled the idea that releases from the lake are a minor part of the problem. (SFWMD, Caloosahatchee River/Estuary Nutrient Issues, October 10, 2005). The White Paper estimates that the lake contributes about 31% of the of the total annual flow in the basin, about 28% of the annual average TN loads, and about 11% of the average total load of TP. Of course, these averages do not capture the devastating water quality impacts during the high flow conditions that would be increased in frequency by the Preferred Alternative.

The DSEIS also does not address the fact that the Caloosahatchee Basin contains Outstanding Florida Waters ("OFW"), including the Caloosahatchee National Wildlife Refuge, the Pine Island Sound Aquatic Preserve, and the Matlacha Pass and Pine Island Sound National Wildlife Refuges. These OFW are subject to a "no degradation" standard under Florida law.

The DSEIS also fails to address secondary impacts of water quality and quantity problems caused by the regulation schedule, including impacts on seagrasses and oysters, and contributions to blue green algae blooms and red tide.

### 5. THE ESSENTIAL FISH HABITAT ASSESSMENT WAS FLAWED.

The Essential Fish Habitat Assessment in the DSEIS was flawed because it failed to consider the devastating impacts of an increase in high flow releases from the lake that would result from the Preferred Alternative. The DSEIS does not reveal the results of consultation with the National Marine Fisheries Service. A revised DSEIS should be prepared with the results of consultation and circulated for public review and comment.

# 6. THE DSEIS FAILS TO ADEQUATELY ADDRESS IMPACTS ON ENDANGERED SPECIES IN THE CALOOSAHATCHEE.

First, the Conservancy believes it is premature to finalize the DSEIS before the FWS completes its consultation with the Corps on endangered species issues. That consultation should be expanded to include endangered species in the Caloosahatchee, including the manatee and the Florida smalltooth sawfish. Similarly, the discussion of endangered species issues in the DSEIS focuses almost entirely on endangered species in Lake Okeechobee and very little on the Caloosahatchee, which has significant populations of endangered species heavily impacted by releases from the lake. The Conservancy believes that protection of endangered species is required in both areas, and that the Corps should provide sufficient information in the DSEIS to assess whether the alternatives evaluated provide protections for both areas or will protect endangered species in one area at the expense of the other.

Two species deserve far more consideration than was provided in the DSEIS, the West Indian manatee and the Florida smalltooth sawfish. The Caloosahatchee provides critical habitat for the manatee and is one of the primary habitats for the sawfish.

#### a. Manatee

Several studies have found that disappearing seagrasses pose serious problems for the manatee in the Caloosahatchee. The connection between seagrass loss and releases from the lake is well established. A recent report from the Florida Fish and Wildlife Research Institute summarizes the impacts of seagrass loss in the Caloosahatchee as follows:<sup>2</sup>

Extreme quantities of fresh water released from Lake Okeechobee and upstream runoff followed by periods of drought have altered the estuarine ecosystem downstream of the locks. Since the construction of the locks in 1968, downstream turbidity has increased, resulting in decreases in light penetration and in SAV in the estuary.

Controlled releases or pulses of fresh water from Lake Okeechobee, upstream runoff, and prolonged periods of drought can severely, although temporarily, alter the salinity gradient (Figures 10, 11). Estevez (2000) reported that variations in salinity adversely affect seagrass biomass more than actual salinity levels. Salinity fluctuations increase turbidity, reduce light penetration, and alter the pattern of SAV distribution. Chamberlain and Doering (1998) have estimated that the optimum freshwater inflow requirements should be 300–800 cubic feet per second (cfs) to maintain an ecologically balanced system in the Caloosahatchee estuary. They based their estimation on freshwater and saltwater tolerances of a few indicator species, including Cuban shoalgrass (Halodule wrightii), turtlegrass (Thalassia testudinum), and tapegrass (Vallisneria americana). Therefore,

<sup>&</sup>lt;sup>2</sup> Sara L. McDonald and Richard O. Flamm, FWRI, Regional Assessment of Florida Manatees(Trichechus manatus latirostris) and the Caloosahatchee River, Florida (2006).

in addition to salinity fluctuations, water color and turbidity contribute to the unpredictable and patchy distribution of SAV in the Caloosahatchee River.

One particularly acute problem is that seagrasses in the Caloosahatchee River have suffered due to both high and low releases from the lake. Manatees use the area near the FP&L power plant as a primary warm water refuge in the winter and have to travel farther down river to forage and are forced to run the deadly gauntlet of power boats during the busy tourist season.

The DSEIS also failed to assess the extent to which nutrient laden discharges from the lake are causing or exacerbating red tide, which is deadly to manatees. The FWRI study found that:

Manatees on Florida's west coast are frequently exposed to brevetoxin, a potent neurotoxin, during red tide events. Manatees are exposed through inhalation and ingestion of the toxin. According to Landsberg and Steidinger (1998: 97), "a unique combination of environmental, geographical, and biological factors must co-occur to cause these mortalities." These factors include high salinity, high concentrations of red tide organisms, co-occurrence of those high concentrations of red tide organisms and manatees, and long periods of exposure. Manatees appear to be at highest risk in coastal southwestern Florida when salinities are higher than 28 ppt and when many manatees disperse into the algal bloom (Landsberg and Steidinger, 1998). West coast manatees are frequently exposed to brevetoxin as a consequence of red tide events. In 1996, 151 manatees died in southwestern Florida from brevetoxicosis (red tide poisoning). This epizootic was particularly detrimental to manatees because more adults than any other age class were killed (Pitchford, 2002). Researchers believe another red tide epizootic killed at least 37 manatees in 1982 (O'Shea et al., 1991). In 2002 and 2003 combined, 133 manatees were killed by effects of red tide, and in 2005, 81 manatees were suspected to have died from brevetoxicosis.

Another impact on the manatee that was not assessed is whether mortality in the locks and gates between the lake and the Caloosahatchee Estuary would increase as result of changes in the regulation schedule. FWRI data show that between 1980 and 2005 at least 36 manatees have died in the Lake Okeechobee Waterway/Caloosahatchee Canal/Caloosahatchee River locks and gates. In Glades County the number of manatees killed by locks and gates has been greater than the number killed by watercraft.

The impacts from the regulation of Lake Okeechobee releases should also be considered in conjunction with the Multi-species Recovery Plan for South Florida for the manatee. More harmful releases from the lake to the estuary would seem to be inconsistent with many of the habitat level recovery actions for the manatee in this basin.

#### b. <u>Sawfish</u>

The DSEIS, while acknowledging potential impacts to the sawfish, did not attempt to evaluate whether the alternatives would increase or decrease these impacts and concluded without basis that the Preferred Alternative "may affect" but is "not likely to adversely affect" the sawfish. Scientific literature indicates that the survival of the sawfish relies on the health and productivity of the Caloosahatchee estuary which is used as a nursery.

Sawfish were once common in the waters surrounding Florida, however populations have been severely depleted in the last century leading to the 2003 listing of the sawfish as an endangered species.<sup>3</sup> The decline in the species is a direct result of human impact, including the development of coastal areas which reduces sawfish habitat. Continued alteration of the natural flow of water to the Caloosahatchee River is altering the ecological balance of the rivers estuary and placing an increased stress on the sawfish.

In 2002 a study by Seitz and Poulakis was launched to determine the general population size of sawfish and their habitat. The study concluded that there are large numbers of sexually immature sawfish in and at the mouth of the Caloosahatchee River. This suggests that the Sawfish use the Caloosahatchee River as a nursery for young. In a similar study completed in 2005 by Mote Marine Laboratory, it was determined that sawfish prefer habitats comprised of shallow waters less than 1m deep, less than 200m from the shore, and within close proximity to mangroves. These conditions provide ideal habitat for breeding and rearing of young. This fact was reiterated in a later Mote Laboratory study which conclusively found that the Caloosahatchee River serves as a nursery to the sawfish population.

Because juvenile sawfish need cover and feed on small fish and benthic organisms, the health of seagrasses in the Caloosahatchee is important in maintaining this nursery, which is acknowledged in the SDEIS. There is also evidence that sawfish move up and down the river taking their cues from salinity levels, such that water management practices for the lake could severely disrupt their life cycles.<sup>6</sup>

#### 7. CONCLUSION

Based on the comments above and the reports and data submitted, the Corps should revise its DSEIS substantially and should circulate a new draft that is scoped to evaluate a

<sup>&</sup>lt;sup>3</sup> Poulakis G, Seitz J. 2002. Recent occurrence of sawfishes (Elasmobranchiomorphi: Pritidae) along the southwest coast of Florida. Florida Scientist 65 (4): 256-266.

<sup>&</sup>lt;sup>4</sup> Simpfendorfer C. 2006. Movement and habitat use of smalltooth sawfish. Mote Marine Laboratory Technical Report.

<sup>&</sup>lt;sup>5</sup> Simpfendorfer C, Wiley T. 2006. Determination of Florida's remnant sawfish population and identification of areas critical to their habitat. Mote Marine Laboratory Final Report.

<sup>&</sup>lt;sup>6</sup> Simpfendorfer C, Wiley T. 2006. Determination of Florida's remnant sawfish population and identification of areas critical to their habitat. Mote Marine Laboratory Final Report.

full range of alternatives without the arbitrary constraints of the DSEIS. The Preferred Alternative should be abandoned and new alternatives should be considered which would improve the condition of the Caloosahatchee while still preserving the safety of those living near the Herbert Hoover Dike. Instead of making this a choice between public safety and the environment, the Corps should explore opportunities to improve both.

#### Submitted by:

Jennifer Hecker Natural Resources Policy Manager Conservancy of Southwest Florida 239-262-0304 ext. 250

Gary A. Davis Consultant

### Determination of the Distribution of Florida's Remnant Sawfish Population and Identification of Areas Critical to Their Conservation

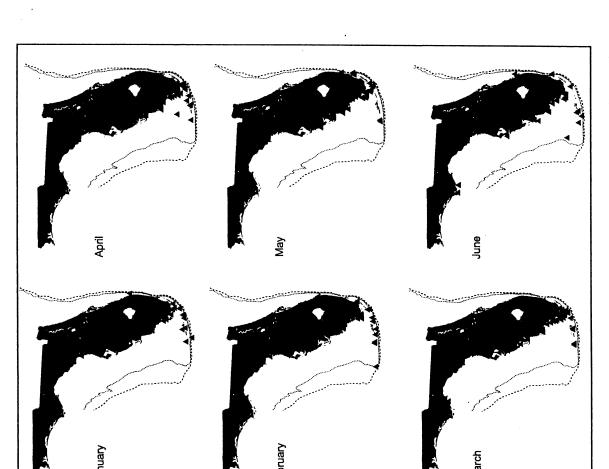
#### FINAL REPORT

Colin A. Simpfendorfer Tonya R. Wiley

February 2005



Florida Fish and Wildlife Conservation Commission 620 South Meridian Street Tallahassee, FL 32399-1600 SAWFISH DISTRIBUTION IN FLORIDA—Simplendorfer and Wiley



Monthly geographic distribution of smalltooth sawfish (Pristis pectinata) encounters in Florida for combined, 1998–2004. Small dashed line indicates 50-m depth contour, large dashed line indicates lepth contour.

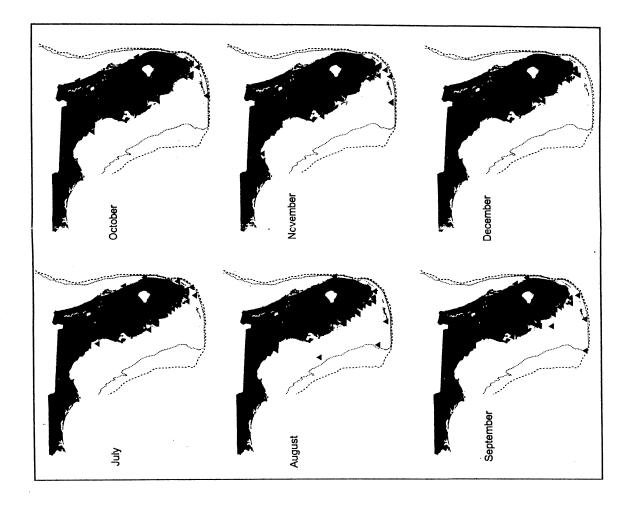


Fig. 5. Continued.

# CUSSION

Results of this study provide the best information available on the current ibution of *Pristis pectinata* in Florida waters. Understanding the ibution of this endangered species is important for directing conservation its and provides a baseline for ongoing monitoring of the population. Ough historically widespread along the east coast of Florida and in the of Mexico, the results of this study show that the core range of this ies is now the area from the mouth of the Caloosahatchee River, south ugh the Ten Thousand Islands, along the Everglades coast, and into ida Bay. This conclusion is supported by the observations of Seitz and akis (2002) and Poulakis and Seitz (2004), who reported on the rrence of *P. pectinata* from the southwest Florida coast, Florida Bay, and Florida Keys. Outside of this core area, *P. pectinata* appears more mon on the west coast of Florida and in the Florida Keys than on the east t, and occurrence decreases the greater the distance from the core area.

The encounter data indicate that *P. pectinata* currently do not occur in that have been documented as being historically important. For aple, 3 encounters were-reported from the Indian River Lagoon system, all occurred in the southern portion of the system near St. Lucie Inlet. observation corroborates the conclusion of Snelson and Williams (1981) this species had been virtually extirpated from this system that around had supported large numbers of animals (Goode 1884, Henshall 1895, in and Evermann 1896, Evermann and Bean 1898). Bigelow and oeder (1953) also reported that *P. pectinata* were common in the lower les of the St. Johns River, but no encounters were reported from this area g this study. Based on these observations it appears that the *P. pectinata* lation on the east coast of Florida may have been more heavily depleted that of the west coast) on this species makes it difficult to make solid usions about the relative decline in importance of specific areas.

he distribution information gathered from the encounter data was not gly affected by the distribution of "sighting effort" (distribution of people tially capable of encountering sawfish). The relatively weak relationship en numbers of fishing licenses by county (since fishers were the most ion reporters of encounters) and encounters suggests that there was no to correct for sighting effort. The spatial resolution of the recreational e data, however, limits the interpretation of the encounter density. In on, the ability to fish from shore without a license, and the fact that many is fish outside the county where the license was issued, also makes

interpretation more difficult. Collection of recreational fishing effort on a finer scale would prove useful to further interpretation, but are unlikely to be feasible to collect.

The distribution of *P. pectinata* appears to have changed little from 2001 to 2003. Prior to this time, the increasing number of encounters reported was probably a function of the growing awareness by the public of the need for sawfish data due to publicity about sawfish conservation. At the onset of the study period funded by the Florida Fish and Wildlife Conservation Commission the regular biannual targeting of awareness-raising trips to all parts of coastal Florida probably accounts for the stabilization of encounter report numbers. This demonstrates the need for continued awareness-raising efforts to maintain encounter reports if these types of data will be used to monitor the *P. pectinata* population into the future.

The high number of encounters reported during March and April may be pectinuta occurred from February to April. suggesting this may be the period when young are born. The higher number of encounters may be the result of because young sawfish have limited food-capturing experience, which increases their probability of being captured by fishers. However, one factor the result of recruitment into the population. All 9 reports of very small P. more individuals being present in the population immediately after birth, or that cannot be discounted in the increased number of encounters is the fact that March and April are the peak of tourist season in Florida and thus recreational fishing effort is higher. Monthly recreational fishing effort data for Florida were not available for analysis, making it impossible to distinguish between these 2 hypotheses. It is also possible that the distribution of *P. pectinata* changes through the year, and during this period they occur in areas that make them more susceptible to encounters. For example, several reports were received of large sawfish from deeper water on the Atlantic side of the Florida Keys. All of these encounters occurred during winter and spring, and all were from divers. Diving in this area is a popular activity year-round, thus these data support the hypothesis that there may be a seasonal movement of larger sawfish into deeper water along the Florida Keys, which makes them more likely to be encountered. Poulakis and Seitz (2004) also reported a substantial number of encounters in deeper habitats along the Atlantic side of the Keys. A more detailed understanding of the movement and migratory patterns of P. pectinata is needed before the relationship between encounters and distribution can be further investigated.

Historic accounts of *P. pectinata* indicate that large individuals migrated north along the east coast of the U.S. during summer (Bigelow and Schroeder

3). The encounter data did not suggest such a migration, although only from Florida were considered. Given the very limited number of ounter reports from the east coast of Florida it could be hypothesized that section of the population that undertook this migration has declined to a it where the migration is now undetectable or it does not occur. Further arch focusing on states north of Florida or using satellite telemetry will be ured to test these hypotheses.

The size range of *P. pectinata* reported during encounters covered the full range of this species. The abundance of juveniles, including very small viduals, suggests that the population remains reproductively active and le. This conclusion is consistent with the observations of Seitz and lakis (2002) and Poulakis and Seitz (2004). However, the current study ws that the smalltooth sawfish population outside of the areas surveyed by e authors (southwest Florida coast and Florida Keys) is very small and so t of the reproduction is limited to a fraction of this species' former range.

The distribution of the smallest size classes of P. pectinata indicate that ery areas for this species occur throughout Florida in very shallow water e to shore and typically associated with mangroves. These 3 habitat ors are all interrelated: depth decreases with decreasing distance from ince to mangroves are positively correlated. Of these 3 factors, depth ared to be the most important. Based on acoustic telemetry data efendorfer (2003) hypothesized that young sawfish utilize very shallow at to avoid predation by sharks (e.g., bull sharks [Carcharhinus leucas] lemon sharks [Negaprion brevirostris]) that have similar distributions. ortance of mangroves to nursery areas of P. pectinata, however, appears to gional, as very small (presumably recently born) individuals were also e, and mangroves occur along the shore, thus distance to shore and ation effect as the root systems can limit access by larger predators. The untered outside of the geographic range of mangroves. These habitat data occurrence of sawfish close to mangroves may enhance this antiidentified critical habitat and critical habitat components for P. pectinata orida, and potentially in other regions where this species is under threat. The encounter data support the hypothesis that *P. pectinata* tend to move one and into deeper water as they grow. This movement appears to be cularly pronounced at sizes >300 cm, which corresponds with the size at rity. The reason for this change in distribution is unclear, but may spond with changes in behavior associated with maturity, or it may sent a size where they are less likely to be preyed upon and thus can move deeper areas where larger sharks are more common.

It has been reported that P. pectinata can tolerate a wide range of salinities, including freshwater (Compagno and Cook 1995). However, in the western Atlantic region they are much less common in freshwater than the largetooth sawfish (P. perotteti) (Thorson 1976). During this study no encounters were reported in areas of permanent freshwater. However, many encounters were reported at the mouths of rivers or other sources of freshwater inflow, This conclusion is supported by the observations of Seitz and Poulakis (2002) and Poulakis and Seitz (2004) who have reported the distribution of P. pectinata in southwest and south Florida. Although these authors did not provide information on salinity, their distribution maps showed no occurrences in areas of permanent freshwater and many occurrences in estuarine areas. Thus, it is likely that, at least in Florida, *P. pectinata* is an estuarine and marine species. It is likely to occur in freshwater only in estuarine areas that are receiving high levels of freshwater input and so are temporally fresh. Further study will be required to determine the tolerance of suggesting that estuarine areas may be an important factor in their distribution. P. pectinata to freshwater and whether longer-term exposure to very low salinities or freshwater leads to changes in distribution. This type of research will be important for P. pectinata in the vicinity of the Everglades as restoration efforts proceed and increased freshwater flows are achieved.

Historically, development Human modifications to habitat within Florida have undoubtedly affected P. pectinata. Shallow inshore mangroves that P. pectinata use as nursery areas regulations in Florida were relatively lax, but have more recently been tightened in recognition of the importance of shallow inshore mangrove habitats to a wide range of organisms. Tightening of these regulations should However, substantial areas of both the east and west coasts of Florida have been permanently modified and may be lost to the population. The role of reduce any further impact of habitat degradation on the sawfish population. habitat modification on the near extirpation of sawfish from east coast areas is unknown, but may have been substantial. Data from the Cape Coral area habitat, such as canal systems. However, there were insufficient data to indicates that P. pectinata will to some extent utilize some human-modified systems. As such, it is not possible to determine how mortality rates or carrying capacity compare between natural and modified systems. Both of compare utilization patterns of these modified habitats with more natural these factors may be important to the recovery of the P pectinata population. have been impacted by coastal development.

The occurrence of sawfish in the warm water outfalls of power stations potentially represents their use as thermal refugia. Almost all occurrences were during the coldest part of the year when water temperatures in these

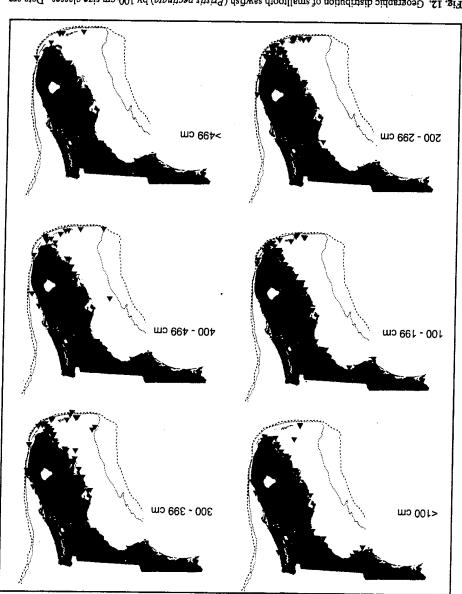
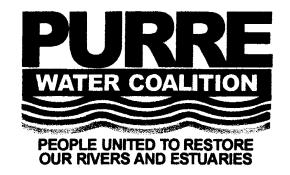


Fig. 12. Geographic distribution of smalltooth sawfish (Pristis pectinate) by 100-cm size classes. Data are all years, 1998–2004, combined. Small dashed line indicates 50-m depth contour, large dashed line indicates 100-m depth contour.



Ms. Yvonne Haberer U.S. Army Corps of Engineers Jacksonville District, Planning Division Environmental Branch P.O. Box 4970 Jacksonville, Florida 32232-0019

#### Dear Ms. Haberer:

The PURRE Water Coalition, ie: People United to Restore our Rivers and Estuaries (referred to herein as "PURRE") submit these comments on the Draft Supplemental Environmental Impact Statement for the Lake Okeechobee Regulation Schedule Study ("DSEIS"). To conserve space, we generally incorporate by reference the comments submitted by other governmental and nongovernmental entities in the Caloosahatchee River and Estuary area, including Lee County and the City of Sanibel. We have similar concerns about the adequacy of the "preferred alternative" and the analysis contained in the DSEIS, which we believe is wholly lacking in sufficient detail, and ignores critical issues that must be assessed.

#### **BACKGROUND**

PURRE is a non-profit organization committed to the protection of environmental resources in and around the Caloosahatchee River and Estuary. PURRE has more than 800 members who live and work in and around the Caloosahatchee Estuary. Our members have joined together in PURRE based on their common concern for the future of our local environment. A healthy Estuary is an important part of our quality of life, and we are directly affected by its degradation. As such, PURRE has a strong interest in the schedule regulating releases from Lake Okeechobee to the Caloosahatchee River and Estuary.

The Caloosahatchee River and Estuary define the surrounding communities. They act as home to a variety of vegetation, fish, and wildlife, several of which are listed as endangered or threatened; a drinking water source to local residents; and home to five national wildlife refuges – including the single most visited wildlife refuge in the country. Additionally, the Caloosahatchee River and Estuary serve as recreational resources to residents and tourists alike. Our environment is also a source of revenue to Lee County as tourist destinations. Our quality of life is defined, to a great extent, by the health of the estuary.

The Caloosahatchee River has received highly polluted discharges of water from Lake Okeechobee ("the Lake") for years, which is seriously degrading the Estuarine environment. The impacts of the polluted waters that have been released from Lake Okeechobee down the Caloosahatchee River are devastating and simply cannot be overstated. The Lake waters are displacing marine life and killing seagrasses because they dilute the salinity in the Estuary. Additionally, the cloudiness of the Lake water blocks sunlight, which results in the death of plants, which, in turn, results in the death or relocation of marine life. The high nutrient releases from Lake Okeechobee have contributed to red tide and blue-green algae, both of which have been deadly to both vegetation and fish, including the endangered West Indian manatee. These are only a few of the most harmful effects of Lake releases to the Caloosahatchee River. In fact, the quality of the Caloosahatchee has deteriorated so much that it has been placed on the list of the most endangered rivers by American Rivers, a non-profit environmental group committed to protecting rivers in the United States; it is 2006 Most Endangered River #7.

We appreciate the fact that the U.S. Army Corps of Engineers ("Corps") has made an effort to consider the impacts of releases from Lake Okeechobee on the Caloosahatchee River and Estuary in the DSEIS, and we thank the Corps for such consideration.

However, we, like many others, have significant concerns regarding the proposed new Lake Okeechobee Regulation Schedule ("LORS"). We believe the analysis in the DSEIS is wholly insufficient and needs to be improved before any new schedule is approved and implemented.

#### **COMMENTS**

#### I. The DSEIS Does Not Consider an Adequate Array of Alternatives

#### A. The Corps Applied an Imbalanced Set of Criteria for the Selection of Alternatives

Throughout the DSEIS, the Corps repeatedly states that it is attempting to balance various project purposes in the selection of the alternatives, including water supply, flood control, water quality, enhancement of fish and wildlife resources, navigation, recreation, and public health and safety. On the concept of balancing multiple project purposes, the DSEIS repeats the mantra of "shared adversity." Most of these project purposes, however, have no hard quantitative criteria to evaluate compliance; instead, throughout the DSEIS, the Corps evaluates these project purposes as it sees fit on a sliding scale.

However, review of the DSEIS confirms that the Corps has heavily weighted the alternatives in favor of certain interests and purposes, resulting in a predetermination of the alternatives assessed within the DSEIS. Indeed, only two of the multiple factors underlying the various project purposes have "hard" constraints: 1) to achieve zero or close-to-zero days above lake elevation 17.25 ft., NGVD; and 2) a maximum limitation on the releases passed through Stormwater Treatment Area-3/4 ("STA-3/4") to the Everglades. Alternatives that did not meet these two criterion were eliminated and not even assessed in the DSEIS. These two hard constraints, taken either individually or together, dictate, and unnecessarily limit, the choice of alternatives considered within the DSEIS and, almost by definition, mean that the Caloosahatchee Estuary will suffer significant impacts under each of the alternatives assessed in the DSEIS, including the Tentatively Selected Plan ("TSP"):

- The 17.25 ft. criterion means that high water levels cannot be stored in the Lake for future use, and must be released to keep water levels low. As there are only three places to which Lake Okeechobee waters are released the Caloosahatchee River, the St. Lucie River and the Water Conservation Areas ("WCAs") this constraint necessarily results in alternatives that will cause harm to the Caloosahatchee River and Estuary. Modeling contained in the DSEIS indicates that more than half of the Lake releases are sent to the Caloosahatchee Estuary.
- The STA-3/4 capacity limitation means that Lake water cannot be sent to the WCAs in any significant amount, especially during the wet season when high water levels are most likely to be a problem. This results in more Lake water being sent down the Caloosahatchee River into the Estuary.

This heavy weighting of these two factors, which necessarily tips the balance against the well-being of the Caloosahatchee Estuary, means that there will not be true "shared adversity" because Lake Okeechobee and the WCAs get built-in priority above the Caloosahatchee Estuary before analysis of the impacts even begins. This is particularly disconcerting in light of the statement on page 1 of the DSEIS that the Caloosahatchee Estuary is one of only a few areas that will receive "the greatest scrutiny in terms of impact assessment." While the first page of the DSEIS names the Caloosahatchee Estuary as one of the top priorities in terms of impact, the only two hard constraints – the 17.25 ft. or lower Lake water level goal and the STA- 3/4 storage capacity maximum – make the Caloosahatchee Estuary the absolute last priority. Under the Tentatively Selected Plan, the Caloosahatchee would receive at least 58% of all flood control releases from Lake Okeechobee.

To make matters worse, there is no support for weighting these two criterion in such as fashion. The 17.25 ft. constraint appears to be entirely arbitrary. We recognize that recent studies show that the Herbert Hoover Dike has aged poorly, needs to be repaired and improved. Of course, we support the idea that Lake Okeechobee water levels need to be managed in a way to avoid public harm that may result from problems with the Dike. However, we are aware of no technical document or engineering study that indicates that 17.25 feet is the Lake level at which there should be zero or close to zero days above it for a 36 year period of record, the goal set forth in the DSEIS. Indeed, as conceded in the DSEIS, technical studies suggest that issues such as seepage, piping, and boils are exacerbated when the Lake elevation approaches 18.5 ft., not 17.25 ft. See, e.g., DSEIS, at p. 7. We note that Lake levels have exceeded 18.5 feet on only 3 occasions, and since the 1930s the Lake has been above 18 feet less than 1% of the time. We also note that Lake Okeechobee has an area of approximately 730 square miles, so even the slightest amount of flexibility on the maximum lake level (e.g. 17.5 ft. vs. 17.25 ft) would result in much less harmful, polluted water being released from the Lake to the Caloosahatchee Estuary. At a minimum, modeling must be conducted to assess the impact, if any, that Lake levels higher than 17.25 ft. would have on the integrity of the Dike.

The STA-3/4 constraint is a blatant double standard that places the interests of the WCAs over the interests of the Caloosahatchee Estuary and its surrounding communities. Unstated in the DSEIS is that the STAs were installed to treat water in order to avoid water quality violations in the WCAs. We agree that the Everglades should not receive polluted water that violates water quality standards. The STA constraint in the DSEIS essentially is a water quality constraint

because, if water is untreated in the STAs, then it would be sent dirty to the WCAs. Placing an STA constraint in the LORS means that the Corps is unwilling to violate water quality standards in the WCAs. In comparison, there is little question that releases from the Lake are, at a minimum, contributing to violations of water quality standards in the Caloosahatchee Estuary, yet there is no similar contract to that for the WCAs. We simply do not understand why the Corps is willing to adopt a hard constraint based on water quality for the WCAs but not for the Caloosahatchee Estuary. Absent such an equal application of water quality standards, the STA-3/4 criterion appears to be an unsupportable double standard that works against the Caloosahatchee Estuary.

## B. The DSEIS Does Not Include Any Alternative That Would Provide Significant Benefits to the Caloosahatchee Estuary

Every alternative considered in the DSEIS will result in significant discharges of polluted Lake water into the Caloosahatchee Estuary. The TSP will actually increase the number of extreme releases (above 4500 cfs) to the Caloosahatchee Estuary over the number of such releases that would occur if the release schedule remained unchanged. The Corps acknowledges this, and further acknowledges that there are no significant benefits to the Caloosahatchee Estuary from any of the alternatives analyzed within the DSEIS, including the Preferred Alternative. Indeed, in some respects, the "no action" alternative (the Water Supply and Environment schedule ("WSE")) is the best alternative for the Caloosahatchee Estuary, which is ironic given the well-established harmful impacts it has caused in recent years, and the great concern for the Estuary repeatedly expressed by Stakeholders as a result of the impacts of the WSE.

Given the significant detrimental impact that releases from Lake Okeechobee have had on the Caloosahatchee Estuary, and the concern repeatedly expressed in the DSEIS to limit such harmful impacts to the maximum extent possible, the Corps should evaluate at least one alternative that will result in significant benefits for the Caloosahatchee Estuary and its surrounding communities. This is particularly true in light of the fact that the first page of the DSEIS cites to the well-being of the Caloosahatchee Estuary as a concern on equal footing with the well-being of Lake Okeechobee. If the Corps does not evaluate such an alternative at this point, it will lose the opportunity to change such an alternative at the time of decision.

One alternative that would result in benefits to the Caloosahatchee Estuary is Alt. 1-as2, which the interagency team recommended during preliminary stages of the process. This alternative was eliminated from consideration due to the 17.25 ft. lake-level criterion, simply underscoring the above-identified problem with using the 17.25 ft. criterion as a hard constraint in choosing the alternatives assessed. Even if the Corps rejected Alt. 1-as2 for some other reason, and chose to consider other alternatives that resulted in significant benefits to the Caloosahatchee Estuary, we would feel that the process was more fair.

#### C. There Is No True No Action Alternative

NEPA regulations require that the Corps analyze a "no action" alternative, *i.e.*, what would happen if the Corps made <u>no</u> changes whatsoever. The Corps fails to comply with such regulations in the DSEIS, which does not contain an analysis of a true "no action" alternative. Instead, the "no action" alternative analyzed in the DSEIS is a combination of the current

schedule, WSE, <u>plus</u> a change – specifically, "the addition of temporary forward pumps." DSEIS, at p. 13. Regardless of whether operation of temporary forward pumps is appropriate, the DSEIS should not include those in the "no action" alternative. Instead, the DSEIS should – as required under NEPA regulations – analyze a true "no action" alternative (WSE) with no modifications or additions. With a true "no action" alternative, the Corps could always analyze another alternative consisting of the WSE schedule along with the temporary forward pumps but substituting the WSE plus temporary forward pumps.

On a different, although related, note, we are concerned that the Corps is evaluating the temporary forward pumps in a separate NEPA process from the proposed new lake regulation schedule. The only real purpose for the forward pumps is to allow the Lake to be operated at a lower level consistent with the TSP and still provide irrigation water for water users around the Lake. Thus, the temporary forward pumps and the proposed new lake regulation schedules are connected actions that necessarily have cumulative impacts. Analysis of these temporary forward pumps pursuant to various environmental laws, including NEPA, must occur together in the DSEIS.

### II. The DSEIS Does Not Adequately Analyze the Environmental Impacts of Each Alternative

#### A. There are Flaws in the Hydrological Modeling Underlying the DSEIS

All of the hydrological modeling underlying the analysis in the DSEIS was performed using a 36 year period of record, from 1965 to 2000. However, some of the very worst impacts of Lake releases on the Caloosahatchee River and Estuary have occurred since 2000; it is well-documented that there were high water levels at various points. These higher water levels in recent years may signify the start of a wetter climactic period. Exclusion of the data from these post-2000 years both skews the analysis and conceals from the public what would have happened to the Caloosahatchee Estuary in the past few years if the TSP had been in place and, as a result, misrepresents what would have happened during those years. But, perhaps more importantly, data from post-2000 is some of the most basic, useful information that the public and water managers could have in evaluating the different alternatives. Ignoring such critical data, as the DSEIS does, simply makes no sense and results in a less than complete analysis.

There are other apparent flaws in the modeling. The Corps assumed that 12-16% of Lake releases could be sent down the L-8 canal, when there are limitations on such discharges due to environmental in downstream receiving waters. The Corps assumed steady flows for the Estuary base flows, when the South Florida Water Management Model ("SFWWM") may not be designed to model such flows. The SFWMM also cannot model discretionary actions which are undefined in the plan. We believe there are other technical flaws with the modeling as well.

#### B. There Is Virtually No Discussion of Water Quality Issues and Impacts

# 1. There is No Discussion of How Lake Releases Damage the Caloosahatchee Estuary

The discussion in the DSEIS of water quality impacts in the Caloosahatchee Estuary does not even close come to scratching the surface of the facts and, indeed, seems quite superficial. While general acknowledgements that Lake releases are contributing to the continued deterioration of the Caloosahatchee Estuary are peppered throughout the DSEIS (e.g., pgs. i, 8, 78, 83-84, 102, 105, 111, 125-26), the DSEIS contains zero discussion of why and/or how such high regulatory releases cause impacts. This is particularly surprising given the fact that there is an abundance of evidence available on the subject. Indeed, available evidence suggests that water releases from the Lake harm the Caloosahatchee Estuary in many different ways, including the following:

- large freshwater inflows caused by Lake Okeechobee releases affect salinity levels;
- water from the Lake can be dark in color and turbid, affecting light attenuation for submerged aquatic vegetation;
- Lake releases contain high concentrations of nutrients, which are harmful to estuarine life and spur the growth of algae (including toxic blue-green algae) and red tide.

The DSEIS even acknowledges these impacts, but does so in other contexts instead of acknowledging and assessing the devastating harms such impacts have on the Caloosahatchee Estuary.

Instead of taking for granted that any release schedule will necessarily result in harms to the Caloosahatchee Estuary, as the DSEIS does, the Corps needs to analyze such potential impacts of Lake releases. It is well-known that most problems in the Estuary are linked to these water quality issues. We cannot really understand how harmful the Lake releases truly are unless these issues are each analyzed separately, and in a detailed fashion.

## 2. There is No Analysis of the Different Water Quality Impacts of the Various Alternatives

The DSEIS contains no discussion of how the different alternatives affect water quality in the Caloosahatchee Estuary. The sole focus in the DSEIS is on the number of days that Lake releases are above or below certain rates of flow, with virtually no discussion of what different alternatives would mean for salinity issues, nutrient loading, color/turbidity, or other critical issues relevant to the well-being of Estuary. For example, there is simply no discussion of effects of different alternatives on salinity, nutrient loading or water clarity in the estuary. There should be, at a minimum, modeling of water quality impacts in the Estuary such as the modeling done for the STAs and the Total Maximum Daily Loads. We note that the TSP, which apparently will increase average annual flows to the Caloosahatchee Estuary by at least 31,000 acre-feet (and even more in wet years), may cause an additional 4-24 tons of phosphorus to enter

the Caloosahatchee Estuary each year (based on the increase in average annual flows). Such impact cannot be insignificant.

There is also no discussion of how water quality impacts are likely to relate to secondary ecological impacts, such as health of plants and seagrasses, algae growth, marine organisms, or fish. Without such modeling and analysis of water quality impacts, the Corps cannot know whether the new regulation schedule will be better or worse for the Estuary. For instance, if nutrient loading is the key issue, the TSP might cause greater problems than WSE even though there are fewer flows in the range of 2800-4500 cfs. The DSEIS needs to analyze these issues to determine the answers to these and other critical questions.

#### 3. There is No Discussion of Compliance with Water Quality Standards

Glaringly absent from the DSEIS is any discussion of whether the Caloosahatchee River and Estuary, and associated waters, are currently meeting Florida water quality standards. Indeed, the Corps also does not indicate, or even address, whether releases from Lake Okeechobee have any affect on compliance with Florida water quality standards in the Caloosahatchee River and Estuary.

## 4. There is No Analysis of the Effect of Different Alternatives on Blue-Green Algae and Red Tide

The DSEIS does not analyze the effect of the different alternatives on algae growth, including blue-green algae and red tide, despite the fact that such algae has plagued the Caloosahatchee Estuary in recent years. These algae are harmful to fish, marine organisms, wildlife, and humans. Blue-green algae may be toxic and has resulted in public health officials issuing orders prohibiting swimming in the areas of the Caloosahatchee where there is an algae bloom. Red tide in the Caloosahatchee has likely caused the deaths of many manatee, an endangered species.

Both organisms are fed by nutrient-enriched waters, such as the waters released from Lake Okeechobee to the Caloosahatchee Estuary. To the extent that the Corps is contemplating sending more nutrient-enriched water to the Caloosahatchee Estuary, which the TSP would do if implemented, the DSEIS must analyze the effect of this additional polluted water on the growth of blue-green algae, red tide, and other similar aquatic growths.

#### C. There is No Discussion of Drinking Water Issues

The DSEIS similarly contains absolutely no discussion of drinking water issues raised by the proposed regulation schedule, despite the potential for harm to the public if drinking waters become contaminated. The Caloosahatchee River is a direct source of drinking water for Lee County residents and tourists. In recent years, the Caloosahatchee River has experienced significant growths of blue-green algae, which produce toxins at certain stages of life that are harmful to fish, wildlife, and humans. These outbreaks have been linked to the nutrient-enriched releases from Lake Okeechobee. Potential harmful impacts have led officials to prohibit swimming when toxic blue-green algae was documented by a Lee County water plant near the Caloosahatchee. Indeed, there is some anecdotal evidence that animals have died after swimming and/or drinking water from the Caloosahatchee River that contained blue-green algae.

We are very concerned that such algae and/or toxins could be drawn into Lee County's drinking water supply and gravely threaten the health of Lee County residents. If it is unhealthy to swim in such waters, as public health officials have already proclaimed, it is certainly unhealthy, and potentially deadly, to drink such water. We cannot overstate how critical it is that the DSEIS study this issue, and the effect that the different alternatives might have on the growth of bluegreen algae in the Caloosahatchee. In publicly held meetings, the Corps has stated that public health and safety overrides all other issues: if that is the case, we do not understand why the Corps has not evaluated this critical public health issue in the DSEIS.

#### D. The Discussion of Endangered Species Impacts is Completely Deficient

The DSEIS's discussion of endangered species issues is remarkably weak, focusing almost exclusively on endangered species issues in Lake Okeechobee, as opposed to the Caloosahatchee River and Estuary and other areas that are undeniably impacted greatly by Lake releases. Indeed, there is virtually no discussion in the DSEIS of how the different alternatives might affect listed species and marine mammals in the Caloosahatchee Estuary, in particular the West Indian manatee, the Florida smalltooth sawfish, and various species of sea turtles. For instance, the DSEIS only discusses manatee impacts in Lake Okeechobee itself, and not in the Estuary. This is surprising given the fact that portions of the Caloosahatchee, and not the Lake, have been designated as critical habitat for the manatee and that hundreds of manatee in the Caloosahatchee and surrounding areas have died due to red tide, which is likely linked to the nutrient-enriched waters that are released from Lake Okeechobee down the Caloosahatchee River. Similarly, there is virtually no discussion of what affects any of the alternatives might have on the sawfish in the Caloosahatchee River and Estuary. And sea turtles are barely mentioned in the DSEIS and are not even included in the list of threatened or endangered species in the DSEIS.

The assertion in the DSEIS that there are no impacts to listed species clearly is wrong, even based on the information included within the DSEIS itself. For example, as set forth in the DSEIS, manatees are present in the Caloosahatchee River and Estuary area. As the DSEIS states, manatees rely on seagrass, see DSEIS, at p. 78, which the DSEIS characterizes as "undoubtedly among the most important vegetation of the Caloosahatchee Estuary," see DSEIS, at p. 62. The DSEIS concedes that releases from Lake Okeechobee cause the mortality of seagrasses. Moreover, destruction of critical manatee habitat may force manatees to move to other locations, which could expose them to even greater risks (e.g., boat strikes, red tide). It is also thought that manatees in the Caloosahatchee Estuary and other areas have died as a result of red tide and other algae growths. Nonetheless, the DSEIS fails to assess these possible impacts on the manatee in the Caloosahatchee area and, instead, confines its impacts analysis on the manatee to four sentences focused on impacts to manatee in Lake Okeechobee and, even then, quite surprisingly cursorily concludes that there will be no adverse effect on habitat conditions for the manatee within the Lake as a result of any of the alternatives. We believe this to simply be an unsupportable conclusion.

The sawfish analysis is similarly flawed and inaccurate in its ultimate conclusion of no adverse impact. The sawfish is a highly endangered species. And the Caloosahatchee River is one of the primary habitats of the sawfish; indeed, as the DSEIS states at p. 101, "[i]t would be more common for the smalltooth sawfish to be found along the coastal areas of the Caloosahatchee Estuary, or near the mouth of the Caloosahatchee River," both of which have seagrass

communities that the DSEIS concedes will continue to be destroyed by releases from Lake Okeechobee. And, as the DSEIS further concedes, the destruction of seagrass in the Caloosahatchee due to high releases from Lake Okeechobee, such as those contemplated under TSP, has caused the destruction of small fish populations, including sawfish. The DSEIS states that "juvenile sawfish use shallow habitats with a lot more vegetation, such as mangrove forests and SAV [seagrass], as important nursery areas." DSEIS, at p. 101. The DSEIS further states that, "[a] more stable salinity regime may result in increased SAV coverage, and therefore increase the population of small fish and benthic organisms, which are a food source for the sawfish." DSEIS, at p. 101. In other words, less releases from the Lake will be beneficial to the sawfish, while more releases, such as those that would occur under TSP, will be harmful. The DSEIS conclusion that the Preferred Alternative "may affect" but is "not likely to adversely affect" the sawfish is simply incorrect in light of all of the impacts the DSEIS identifies, but fails to thoroughly analyze.

### E. There is No Discussion of Impacts on Federal Resources in the Caloosahatchee Area

There are five National Wildlife Refuges that depend on the Caloosahatchee River for water. These include the most visited refuge in the country, the J.N. "Ding" Darling National Wildlife Refuge, in addition to the Caloosahatchee National Wildlife Refuge, Island Bay National Wildlife Refuge, Matlacha Pass National Wildlife Refuge, and Pine Island National Wildlife Refuge. All of these national refuges are important national resources, many of which are showing signs of impaired ecosystems as a result of the polluted waters that are released from Lake Okeechobee and sent down the Caloosahatchee River. Nonetheless, the DSEIS contains absolutely no discussion of how releases from Lake Okeechobee may impact these Refuges.

### F. There Is No Discussion of Cumulative Impacts

NEPA regulations require that the Corps fully disclose the cumulative impacts of its actions. In this case, it cannot be contested that the years of high water releases from Lake Okeechobee have caused significant damage to the Caloosahatchee Estuary. The DSEIS repeatedly acknowledges this point. Even if the Preferred Alternative has marginal benefits in some ways for the Caloosahatchee Estuary – which we do not believe to be the case – it mostly continues and, in certain instances, increases, the same levels of high water releases that have caused irreparable damage to the Caloosahatchee Estuary during recent years. We believe that with the years of damage that already have occurred as a result of high releases from the Lake, the additional heavy discharges that will occur if the Preferred Alternative is ultimately approved and implemented may be the "tipping point" that causes irreversible damage to the Caloosahatchee Estuary. It therefore is critically important that the DSEIS analyze what will be the <u>cumulative</u> effect of the releases from Lake Okeechobee on the Caloosahatchee Estuary.

Given the importance of a cumulative impact analysis, we were disappointed to see that the Corps devoted only a single paragraph to cumulative impacts in the DSEIS. More importantly, the DSEIS failed to actually analyze such cumulative impacts or make an ultimate determination about the cumulative impacts of releases from Lake Okeechobee on the Caloosahatchee Estuary. The Corps also did not analyze the likely long-term, cumulative effect of the proposed lake regulation schedules as reasonably foreseeable future projects, of which there are many, become implemented. Delaying that analysis for a future EIS (which the Corps has indicated it will do) is

unacceptable since NEPA requires that the Corps analyze the cumulative impacts of this action before it implements the new regulation schedule, **not after**.

We are concerned that delaying analysis of long-term impacts to a future EIS may mean that these issues are never fully analyzed until it is too late for the Caloosahatchee Estuary. While we believe the Corps is acting in good faith to prepare the future EIS, we also know that there are many factors beyond the Corps' control that might halt or slow down such future NEPA processes. This has happened in the past. For instance, in the mid-1990s, the Corps prepared an EIS for construction of the C-111 project in Miami-Dade County, and promised to later prepare a separate EIS for the operation of the project. That second EIS is still not completed, a decade later. That experience and others suggests that unless these issues are analyzed and addressed now, they may never be addressed.

We also are very concerned with the cumulative effects of the new regulation schedules on the Comprehensive Everglades Restoration Plan ("CERP"). The guiding principle for the CERP was to store more water in the Central and South Florida Project ("C&SF Project") for later use. The TSP assumes that the Lake is operated more than one foot lower on average than the WSE (eg. 17.25 vs. 18.5). This means that approximately 467,000 acre-feet of average annual storage will be lost. In order to make up this storage elsewhere, it would require an additional 78,000 acres of reservoirs that store water 6 feet deep. Even if the CERP contemplates alternative storage locations in future decades, there is no such replacement storage contemplated for the coming years. The DSEIS does not analyze these issues. The DSEIS should address the cumulative impacts of the proposed new regulation schedules on Everglades restoration as a whole, including analyzing what such a schedule might mean for the CERP.

## III. The DSEIS Does Not Demonstrate that the Corps Has Fully Complied with Various Legal Requirements

NEPA regulations require federal agencies to consolidate discussion of other statutory compliance issues in an EIS. The DSEIS fails to adequately analyze such compliance, in most instances devoting only a single, short paragraph to the discussion of such compliance.

## A. Endangered Species Act

As discussed above, the DSEIS has a poor discussion of endangered species issues and, similarly, has a weak discussion on compliance with the Endangered Species Act ("ESA"). It does not make a clear case that the Corps is in compliance with the ESA, even in the section entitled "Compliance with Environmental Requirements." In particular, the DSEIS indicates that there is no ongoing consultation with the Fish and Wildlife Service ("FWS") regarding the manatee. The DSEIS similarly indicates that there is no ongoing consultation with the National Marine Fisheries Service ("NMFS") regarding the smalltooth sawfish, despite obvious impacts. Other specieis discussed above are apparently being given short shrift. Section 7 of the ESA unequivocally requires consultation with fish and wildlife agencies whenever an agency action such as the proposed action is likely to adversely affect a listed species.

## B. Clean Water Act

The Corps has taken the position that it is not required to get a water quality certification from the state under Section 401 under the Clean Water Act ("CWA"). Indeed, we note that the Corps never sought or obtained such certification for the WSE schedule in 2000. However, we respectfully disagree and believe that the Corps is required to obtain water quality certification from the State of Florida in connection with the proposed action because there will undoubtedly be various federal permits and licenses that it seeks in order to implement the proposed new regulation schedule, including authorizations under the ESA and CWA.

The Corps also does not have a National Pollutant Discharge Elimination System ("NPDES") permit under Section 402 of the CWA for the various water control structures related to Lake Okeechobee and the Caloosahatchee River. We believe that those water control structures are "point sources" subject to NPDES permitting requirements. Lake Okeechobee and the Caloosahatchee River are separate bodies of water – the river historically never connected with the lake. The Supreme Court's recent decision in South Florida Water Management District v. Miccosukee Tribe of Indians, 541 U.S. 95 (2004), supports our interpretation that the Section 402 NPDES permitting requirements apply here. The Corps has not complied with those permitting requirements, and such failure to comply with requirements of the CWA should be acknowledged by the Corps in the DSEIS and, ultimately, corrected.

## C. State Permitting Requirements

Setting aside the Corps' failure to comply with federal permitting requirements, the Corps does not even mention Florida permitting requirements. Chapter 373 of the Florida Statutes, specifically, Fla. Stat. § 373.219, requires all "persons," including federal agencies, to obtain permits before they make consumptive or other uses of water. Releases from the Lake to the Caloosahatchee River, especially releases for flood control purposes, are subject to these Florida water use permitting requirements because they make water unavailable for other users. The Corps also is subject to Florida permitting under the Lake Okeechobee Protection Act, Fla. Stat. § 373.4595, as it is an owner and operator of key structures. We have no information that the Corps has ever applied for or obtained such permits. The DSEIS also does not indicate whether the Corps is in compliance with Florida permitting requirements. All of these issues should be discussed.

### IV. There Is No Discussion of Mitigation Measures

NEPA regulations generally require the Corps to identify and discuss potential mitigation measures. 40 C.F.R. 1502.16(h). However, the DSEIS contains no discussion whatsoever of measures that could mitigate the adverse impacts of lake releases on the Caloosahatchee Estuary. We believe that adverse impacts could be mitigated in many ways, and the Corps should discuss such mitigation measures.

In closing, we note the statement in the DSEIS that "[t]here will always be a level of controversy with any issue related to water management in south Florida." See DSEIS at p. ii. We find that statement to be patronizing because it suggests that our concerns are not real and implicitly labels us as complaining nags. Our concerns are very real, as we are serious people.

Thank you for giving us the opportunity to provide these comments. We look forward to continuing to provide the Corps assistance as it considered the LORSS.

Best regards,

Michael J. Valiquette, Chairman

**PURRE Water Coalition** 

People United to Restore our Rivers and Estuaries

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September 11, 2006

Mr. Stuart J. Appelbaum Department of the Army Jacksonville District Corps of Engineers P.O. Box 4970 Jacksonville, Florida 32232-0019

Re: Draft Environmental Impact Statement, Lake Okeechobee Regulation Schedule

Dear Mr. Appelbaum:

After reviewing the Draft Lake Okeechobee Regulation Schedule Study (LORSS), we have found that the Tentatively Selected Plan (TSP) 1bs2-m may provide for somewhat improved conditions for Lake Okeechobee but it fails to substantially improve conditions for the Caloosahatchee Estuary. In fact under rainfall conditions similar to recent years, it would create the need for additional excessive flow conditions compared to the period of record.

We are disappointed that the U.S. ACOE did not directly respond to our letter and concerns of September 15, 2005. One of the suggestions in this letter was to have the ACOE examine additional flow capacity south of Lake Okeechobee through the Everglades Agricultural Area (EAA). Apparently such an option identified by the ACOE as Plan Six in 1994 addressed additional flow and storage capacity in the EAA. However, it appears the ACOE is no longer seriously pursuing this option or others that would potentially achieve the same effect. It has also become apparent that the current water management infrastructure of the greater Lake Okeechobee service area is inadequate regardless of the various iterations of LORSS to bring about any meaningful ecological restoration of Lake Okeechobee and the Caloosahatchee Estuary. We feel this situation is largely derived from ACOE and SFWMD water management policy that overprotects agricultural operations south of the Lake from drought and flood at the expense of the public resource and greater public interest. Even with the addition of the C-43 Reservoir Accelerate Project, conditions will only improve (within the salinity envelope of 500-2800 cfs) about 15%. This means that damaging conditions would continue to occur at least 25% of the time with average rainfall. Average annual rainfall greater than the period of record (1965-2000) would essentially nullify any slight gains in flow improvement to the Caloosahatchee Estuary gained from changes to the WSE through LORSS.

Our recommendation is for the ACOE and SFWMD to develop additional flow and storage south of Lake Okeechobee similar to historic flow patterns that would result in enough flexibility to the Lake Regulation Schedule resulting in meaningful ecological restoration of Lake Okeechobee and the Caloosahatchee Estuary.

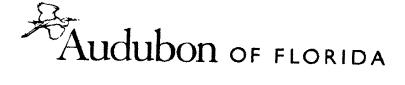
Sincerely,

John Cassani, Chairman

Southwest Florida Watershed Council

The mission of the Southwest Florida Watershed Council is to protect, conserve, manage and/or restore the land and water resources of the Caloosahatchee and Big Cypress Watersheds. Through increased awareness, participation and cooperation among all stakeholders in consensus building, planning and decision making, we are working to meet the economic, natural and cultural needs for this and succeeding generations.





Lake Okeechobee Watershed Program PO Box 707 Lorida, FL 33857 Tel: 863-655-1831 www.audubonofflorida.org Audubon@Okeechobee.com

October 10, 2005

Stuart J. Appelbaum, Chief, Planning Division Environmental Division Jacksonville District Corps of Engineers P. O. Box 4970 Jacksonville, FL 32232-0019

Dear Mr. Appelbaum:

Audubon of Florida is pleased to submit these comments on the Corps' Draft Supplemental Environmental Impact Statement (DSEIS) for the Lake Okeechobee Regulation Schedule Study (LORSS). The DSEIS has many improvements over the current schedule and we commend the Corps for continued efforts to refine management of Lake Okeechobee and downstream systems. Adjustments to the decision tree such as, including the Palmer Drought index instead of the less informative "30-day rain" statistic, and using total net inflow as opposed to only Kissimmee River inflows, and many others, are especially favorable and reflect adaptive updates to the lake's management. This update also is much more proactive than previous schedules, which is important in a lake that responds slowly to management.

We recognize that there are only limited improvements possible with the current configuration of the C&SF system, and agree with your assessment that, "the larger problems now existing in the system can only be solved by water storage on a regional scale..." (page 7). Audubon supports aggressively pursuing CERP, the Kissimmee River Restoration, and related efforts, to gain an infrastructure that allows better control over Lake Okeechobee's water levels.

Given the constraints of the system and the severely competing demands on Lake Okeechobee, we think the preferred alternative, 1bS2-m, with considerations and modifications suggested below, is a reasonable alternative to implement until a new schedule can be adopted in 2010 to take advantage of additional structural features.

## Herbert Hoover Dike

The dominant factor in adjusting the schedule was the safety of the Herbert Hoover Dike (HHD). To maintain safety, the alternatives were developed with the intent to prevent the lake from exceeding 17.25 feet. Setting a maximum design level is a necessary step, but creates significant limitations on lake level management. To prevent the lake from exceeding 17.25 feet, the lake must be maintained considerably below the maximum desired level to be able to absorb storm-related runoff, which recent experience has shown can raise the lake by two feet (or more) from a

single event. Thus, the preferred alternative has triggers to make significantly harmful releases to the estuaries when Lake Okeechobee is in the 15-foot range. Levels in the 15-foot range are not harmful to the lake's habitats. The planned maximum releases also are larger than previous schedules due to the urgency of keeping the lake low, and will create potentially larger plumes of fresh water that can affect larger areas of the estuaries.

Recommendation: We strongly support current efforts to expedite reinforcement of the HHD. Not only will this increase human safety and help protect the integrity of the water management infrastructure, but also will allow higher safe levels in the lake, restoring much-needed operational flexibility.

### Non-Typical Operations

Corps staff announced at the September 13 public hearing in Okeechobee that the Non-Typical Operations (NTOs) were to be taken out of the DSEIS. These operations were based on "lessons learned" over the past few years and were a good attempt to incorporate that knowledge into operations. While this DSEIS process may not have time to fully flesh out how these operations might work, Audubon encourages the Corps to incorporate this concept into the next revision of the schedule, to be adopted in 2010.

It is essential that NTO #4 "Managed Lake Recession" remains in this DSEIS in some format. The hurricanes of 2004 eliminated almost all the submerged aquatic vegetation, and other deepwater plant communities such as bulrush, from the lake. This reflected the loss of about 75 square miles of plant communities, and their dependent wildlife. There has been virtually no reproduction by Largemouth Bass and Black Crappie in the past 2 years (Don Fox, FWC, pers. comm.), which seriously threatens the tourism and service sectors around the lake. The stated goal of the SFWMD in 2006 was to conduct a managed recession in the spring (~March through May) by reaching the 12-foot level for about 12 weeks¹. This combination makes the lake shallow enough for sunlight penetration to stimulate germination of these plants, plus allows enough time for seedling growth to enable survival as water levels increase later in the summer. Unfortunately, the lake rose too high in fall 2005 to be able to lower the lake in 2006 without unacceptable estuary harm, and the drawdown was postponed. Such a plan should be enacted in 2007, or the soonest year possible if weather delays it again.

A "12 feet for 12 weeks" prescription (Appendix 1) was written by Dr. Karl Havens, based on extensive work on Lake Okeechobee, especially in relation to submerged aquatic vegetation (SAV) recovery after the 2001 low-water event. Experience also indicates a second year of recession is needed to establish the most valued, vascular plants (eel grass, pond weed, etc.). A second recession should be part of the overall drawdown plan. Because low levels are a risk for water supply shortages, the SFWMD agreed to purchase temporary forward pumps and install them, if needed. Audubon is deeply concerned about possible use of permanent forward pumps

<sup>&</sup>lt;sup>1</sup> SFWMD presentation to Lake Okeechobee subcommittee of WRAC on August 31, 2005, "Preliminary analysis of a managed Lake Okeechobee stage recession."

(see below), but would not object to temporary pumps in this instance, because the pumps furnish a tradeoff of buffering the extra water shortage risks created by the drawdown.

Recommendation: Incorporate a prescription for a SAV-restoring drawdown that would lower the lake in the spring to about 12 feet for 12 weeks, in two consecutive years (weather permitting). This prescription would include temporary forward pumps as a contingency for water supply. It would be useful to describe triggers for whether lake levels are suitable to attempt a drawdown in any given year (e.g., if the lake is below "X" feet elevation on November 1, and the long-term weather forecast is appropriate, releases will begin for the drawdown).

## Base flow to St. Lucie Estuary

There have been suggestions that the St. Lucie estuary might suffer less harm from continuous, low level releases (a "base flow"), rather than the pulse pattern. This is readily amenable to testing.

Recommendation: The Corps should include flexibility to make releases to the St. Lucie either in a pulse or continuous pattern, which would allow interested parties to monitor estuary response to determine which is preferable.

## Base flow to Caloosahatchee Estuary

During the dry season, the Caloosahatchee has chronic violations of its flow MFL, characterized by higher-than-desired salinity far up the river. WSE did not allocate water from Lake Okeechobee enough to reduce this to acceptable levels. This DSEIS provides much more consistent "base flow" to the estuary and is a commendable improvement from the preferred alternative.

Recommendation: To reduce MFL violations to the extent practicable, maintain the provision to provide releases to the bottom level of the "base flow" band. Measuring flows at the "downstream" S-79 structure, as opposed to the lakeside S-77 structure, also allows more precise salinity management.

Atlantic Multidecadal Oscillation (AMO) and the 36-year period of record
Audubon previously furnished the LORSS team with a copy of our climate workshop
presentation (8-14-06, SFWMD headquarters) on the AMO pattern. As a review, the Atlantic
Ocean appears to oscillate between comparatively warmer and cooler ocean temperatures over a
period of two to three decades for each phase. During warm phases, annual net inflow into Lake
Okeechobee averages about 4 feet of equivalent depth, which is about double the amount
recorded during the cooler phases of Atlantic temperature. The difference in lake inflow
between the warm and cool phases is statistically significant and has great importance in
interpreting model results and planning operating schedules.

First, averaging or summing sets of numbers that have significantly different patterns embedded in them blends the different patterns and poorly reflect characteristics of either pattern. For example, the average annual temperature of Chicago is 49 degrees F, but that does not tell you how to dress if you visit, because summer and winter temperatures are so different. Similarly, warm and cool phase years have such different amounts of average inflow to the lake that performance measures such as estuary releases, high lake levels, or water shortages, also yield different results between phases.

Fig. 1 is a model output from an early LORSS run. The lowest line of the graph hits the ~10 foot level 12 times in 36 years (this line does not represent the preferred alternative but its behavior is a good example of the characteristics of the 36-year period of record). That indicates a return frequency of about once in three years (33% of the time), a prediction that is ominous to water supply interests. However, 11 of the 12 events occur between 1970 and 1994, the cool (dry) pattern of the AMO, and only one event occurs during the warm (wet) pattern years (roughly 1965-1969 and 1995-2000). Therefore, during the dry pattern the model predicts that 10 feet would be reached in 11 of the 25 years, about 44% of the years. Conversely, in the cooler (wetter) pattern, only one of the 11 years reached 10 feet, only 9% of the years, a figure much lower than either the 33% or 44% projections using all years. Similarly, Figure 2 shows a 12% harmful release frequency, versus a 36% frequency, between dry and wet phases, respectively. Thus, one can see analyzing the two phases separately yields very different predictions.

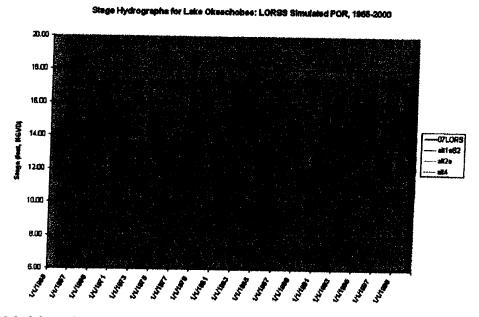


Figure 1. Model run from LORSS that one can see that 11 of 12 predicted excursions of the lowest line to the 10 foot range, occurred during the AMO cool (dry) period from (1970-1994), and only one excursion occurred in the 11 warm (wet) phase years (1965-1969 and 1995-2000).

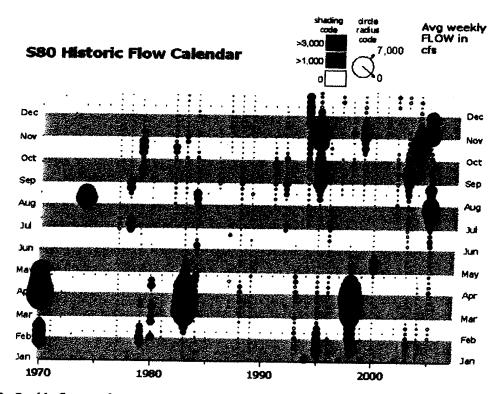


Figure 2. In this figure of actual releases from the St. Lucie structure (source: Neidrauer, SFWMD, 11-30-05), we identify seven large releases in 36 years (1970, 1974, 1983, 1995, 1998, 2003 and 2004; 2002 might be countable but was not included for this analysis), indicating an overall return frequency of one in five years (20%) of years. However, during the cool AMO years (1970-1995), there were only three large releases, or 12% of the years. Conversely, during the warm AMO phase there were four large releases in 11 years (36%), about three times the frequency of the cool phase.

Most results in the DSEIS present all 36 years lumped together in summary tables and figures. For example, Fig. 5-2 of the DSEIS reports how many months certain estuary flows are projected to occur, but does not graph individual years (as in Figs. 1 and 2 here) where one could assess which years the events occurred. Virtually all figures in Appendix E have this summation or averaging style of the 36 years together. Further, because the Atlantic is in the warm pattern, and two-thirds of the years in the 36-year period of record are cool pattern years, it is likely that predictions are skewed toward the drier range. Thus, high lake stages and large estuary releases probably are more likely to occur, and extreme low water levels probably are less likely, than predicted in the DSEIS analysis. Without being able to examine the entire period of record, the performance expected during different patterns of the AMO cannot be examined by Audubon, policy makers, or the public.

We note that there are many climate patterns influencing Lake Okeechobee's hydrological patterns, and basing information on any one of them, or combination of them, is confounded and uncertain. Further, there are many gaps in the understanding of the AMO, including how long the present warm pattern might persist. Therefore, although analyses of AMO patterns should not be the sole basis of decision making, this pattern has the potential for such strong effects on the system that it should be discretely considered in reporting modeling predictions and in planning lake management.

Recommendation: Present results for the period of record with years on the x-axis, and events on the y-axis (similar to Figs. 1 and 2 in this letter). Also, report summaries of each measure separately for warm and cool pattern years. We support Dr. Rafael Bras's recommendation from the SFWMD climate workshop (August 18, 2006) to develop synthetic warm cycle years to increase sample size and allow further exploration of the warm and cool patterns of the AMO. Developing a synthetic pattern will not be possible in the short time frame of this DSEIS, but should be included in the 2010 update.

#### Performance measures

The DSEIS has performance measures (PM) in the Water Conservation Areas (WCAs) for peat dry out (Fig. 5-5), recession rates for wading birds (Fig. 5-6), reversals (Fig. 5-7), and Snail Kites (Fig. 5-9). All these resources are present in Lake Okeechobee, but comparable performance measures do not exist for the lake. We understand these issues have been refined from longer years of work in the WCAs, but these measures must be developed for the lake itself, where water level changes will have the greatest direct effect on these important resources.

Recommendation: Develop PMs for each of these features for Lake Okeechobee, in the regulation schedule revision planned for 2010.

## Lake Okeechobee's Minimum Flows and Levels

The MFL for Lake Okeechobee recommends the lake not drop below 11 feet for more than 80 days, more than once in six years. This metric describes the level, duration, and return frequency, of low water events that are projected to cause "significant" harm to the lake's resources. Significant harm is that which takes several years to recover from. While it is widely accepted that occasional extreme low levels can have benefits for lake/wetland systems, chronic and/or repeated extremely low water can severely reduce, or eliminate, populations of aquatic organisms. The MFL is a state requirement and not specifically addressed in this DSEIS, however low-water events are influenced by this schedule and their impacts are at least partially, a Corps responsibility.

SFWMD informed the WRAC committee (9-7-06) that the preferred alternative, with SFWMD's projected water rationing plans, could create five MFL violations in the 36-year period of record. SFWMD's DRAFT "Lake Okeechobee water shortage management plan" ("LOWSM," September 29, 2006) contains a table of water rationing trigger lines (Fig. 3) that show it would

be possible for the lake to drop below 11 feet for 120 days (about April 1 to August 1), exceeding the MFL trigger, yet remain above the water rationing trigger line. If it occurred again within 6 years, an MFL violation could occur, creating serious harm to the Lake's biota, with little or no cutbacks having been called for (depending on water level patterns).

The serious nature of these projections can be seen with Snail Kites, not the only animal or plant that is threatened by excessive low water events, but one for which we have reasonable data. Snail Kites on Lake Okeechobee bred in reasonable numbers in 2006 for the first time after the 2000-2001 drought, a five-year return interval. This return interval presumably is the length of time it takes apple snails to re-populate Okeechobee's expansive marshes. As noted above, for MFL violations to occur, the lake must drop below 11 feet for more than 80 days within 6 years of the previous event. Therefore, for each MFL violation, snail population recovery likely would be truncated before reaching densities suitable for kites, and recovery could then be an additional "5 years" away. If MFL violations occur five times in 36 years, Kites may rarely be able to breed successfully on Lake Okeechobee (which is designated by the USFWS as critical habitat for the Kite). In spite of this significant conflict, we understand the state has requested the Corps model the LOWSM lines in the DSEIS, raising significant concerns over whether the state rationing plans will adequately protect Lake Okeechobee from low-water harm.

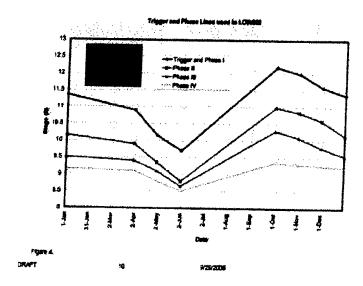


Figure 3. The SFWMD-proposed rationing lines could allow Lake Okeechobee to drop below 11 feet for as many as 120 days between April and August, causing an MFL exceedence and/or violation, without triggering any water rationing (graph copied from "Lake Okeechobee water shortage management plan," SFWMD, 9-29-06 DRAFT).

Recommendation: It is likely that the Biological Opinion on this three-year iteration of WSE will not identify this schedule as a jeopardy to Kites, largely because it will not be in effect long enough to create the chronic, long-term harm described above. However, the next schedule iteration in 2010, and indeed the string of WSE updates planned as more projects come on line, will have to discuss this issue implicitly in the "Cumulative Effects" section (5.22). And although low lake level management generally is conducted by SFWMD, the Corps should include these considerations in their consultation over Kites with the USFWS. This issue is especially germane if the Hoover Dike pump stations are modified with permanent pumps whose use could contribute to chronic MFL violations, violations of the Endangered Species Act, or otherwise cause undue harm the Lake's resources. Lastly, the SFWMD has initiated a "Recovery Plan" for Lake Okeechobee to identify measures needed to help it recover from low water, and Audubon encourages the Corps to participate in that process.

We appreciate this opportunity to comment on this proposed schedule change. Audubon has had full-time staff working on Lake Okeechobee since 1936 and this long experience helps us recognize that the challenges in management are as great as the lake itself. We look forward to working with the Corps in all arenas to restore this treasure of the Everglades ecosystem.

Sincerely,

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Lake Okeechobee Watershed Program

## Rehabilitation of Lake Okeechobee from Impacts of High Water and Hurricanes: Recommendations Regarding a Controlled Water Level Recession (Draw-down)

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June 7, 2005

## Rehabilitation of Lake Okeechobee from Impacts of High Water and Hurricanes: Recommendations Regarding a Controlled Water Level Recession (Draw-down)

Karl E. Havens, Ph.D.

#### **Problem Statement**

Two major hurricanes and a period of high water resulted in a near complete loss of submerged (below the water surface) plants in shoreline areas of Lake Okeechobee between summer 2004 and spring 2005. This has resulted in a substantial deterioration of real and perceived values of the lake that the public expects the South Florida Water Management District (SFWMD) to protect in its ongoing restoration programs. Instead of clear water and diverse aquatic plants, highly used shoreline areas now are characterized by muddy or algae-laden water, absence of plants, and concerns among stakeholders about the future survival of the lake's sport fisheries. This white paper describes the specific effects of the 2004 hurricanes on Lake Okeechobee, examines management options for rehabilitation of the lake, provides a recommended option, and considers regional constraints.

## Impacts of High Water and Hurricanes

In summer 2004, Lake Okeechobee supported a diverse and widespread community of submerged plants around its shoreline (Figure 1), covering an area of nearly 55,000 acres. This plant community in turn supported strong recruitment by largemouth bass and other important sport fish in the lake, as had occurred in the two prior years (Havens et al. 2005). The healthy community was a result of a controlled recession of water levels and a subsequent drought in 2000-01 (Havens et al. 2004). The situation in the lake was widely reported in the press as a short-term success in lake rehabilitation; the clear water, diverse plants, abundant wildlife, and healthy fishery were a boon to the local economy.

During September 2004 two major hurricanes (Frances and Jeanne) crossed the Florida peninsula just north of Lake Okeechobee. The hurricanes caused extensive damage to homes and businesses in the state of Florida, and major ecological damage inside the lake. The Herbert Hoover Dike held back water and prevented regional flooding, but the strong currents that occurred in the lake due to hurricane force winds (Havens et al. 2001) and the large-scale sloshing of water from one end of the lake to the other, a phenomenon called an internal seiche (Chimney 2005), uprooted much of the lake's submerged vegetation (Figures 2 and 3). The hurricane also suspended soft mud sediments from the center of the lake, distributing the material to the shallow shoreline areas where plants had occurred, as occurred during Hurricane Irene in 1999 (Havens et al. 2001). Sediment uplifting & transport explains why water around the lake remained highly turbid for months after the hurricane, and why the lake displayed almost a 3-fold rise in total phosphorus concentrations (SFWMD monitoring data).

High turbidity and deep water block light penetration to the lake bottom in shoreline areas. Submerged plants require light to sustain their biomass. Without sufficient light, their net growth

becomes negative and eventually they die. Of the more than 50 shoreline sites that are sampled quarterly by the SFWMD for submerged plants, only a handful have continued to support plant biomass. As indicated above, the regions formerly occupied by plants and clear water (Havens 2003) now are experiencing blooms of blue-green algae, which can cause taste and odor problems for drinking water, decomposition products like ammonia that previously have been shown to kill apple snails and other invertebrates in this lake (Jones 1987), and that can potentially produce harmful toxins (Paerl 2001).

Once a turbid and blue-green algae dominated state develops in a shallow lake, it is very stable – in other words, it will persist long-term unless some major perturbation is carried out to break the pattern (Scheffer 1989, Moss et al. 1997). Plants stabilize sediments with their roots, they reduce the shearing stress of waves on the sediment bed, and they support attached algae that remove nutrients from the water. Once plants are removed from an area, these important functions are lost and a feedback loop develops where turbid water = less plants = reduced beneficial plant effects = more algae blooms and even greater water turbidity = more loss of plants. This situation has been documented in many shallow lakes around the world (Scheffer 1998).

It is recognized that hurricanes are a natural part of the ecology of south Florida, and that Lake Okeechobee experienced these events long before development occurred in the region. The key difference today is that the impounded, sediment-laden lake lacks the capacity to recover naturally from hurricanes, except under extreme drought conditions, which do not often occur.

## **Management Options**

In lakes that develop a turbid plant-free state, management options are limited. While a part of the problem in Lake Okeechobee may be excessive inputs of nutrients from its watershed (nutrients that help to fuel algal blooms), drastic nutrient load reduction, even if it could be done in the near future, would not result in noticeable changes in water quality. This is because much of the turbidity is due to fine mud that has been transported to the lake's shoreline areas, and the fact that this mud itself contains a high concentration of nutrients from the many past decades of high watershed loads (Olila and Reddy 1993). In some small lakes, managers have replanted submerged vegetation as part of an overall restoration program. This has limited or no success in situations where the water is highly turbid, because the plants soon die from light limitation. Furthermore, as experiences by SFWMD, FWC (Florida Fish and Wildlife Conservation Commission) and USACE (US Army Corps of Engineers) staff showed in 2000, the ability to do replanting in this large lake is extremely limited. Installation of break wall structures to protect the shoreline areas, as suggested by Canfield et al. (2000) for Lake Apopka, would be extremely expensive and likely ineffective, because shoreline areas still would retain the soft mud that likely was transported there in the hurricane. The one viable solution, proven to re-establish a healthy plant community in 2000-01, is an extreme draw-down of the lake, with water levels held low for a prolonged period of time (months). It has been documented that if these conditions are met, the lake sediments contain a viable seed bank from which plants may germinate (Harwell and Havens 2003), and then re-colonize the shoreline areas (Havens et al. 2004).

## Past Experience Indicates Necessary Attributes of a Draw-down

In most lakes it would be very difficult to say what level and duration of draw-down is necessary to achieve recovery of the plant community. In the case of Lake Okeechobee, the level of uncertainty is reduced because there is a detailed case study from 1999 to 2003, when the lake started out with similar conditions to what exists at this time (albeit not as severe, in regard to loss of plants and high turbidity that exists in 2005), and then recovered during a draw-down and drought. Scientists at the SFWMD chronicled the recovery sequence with frequent sampling of the shoreline area, and documented a predictable pattern (Havens et al. 2001, 2004).

During winter 1999, Lake Okeechobee had lost much of its submerged plants and had turbid shoreline waters. In spring 2000, the SFWMD carried out an emergency recession of the lake, following careful deliberation with major stakeholders in the region. When water level was lowered to below 13 ft in May and to near 12 ft in June, there was no noticeable response of plants or water clarity. The water remained highly turbid in June and an algal bloom developed in July. Only in August, three months into the draw-down, was there a widespread development of Chara (shrimpgrass) lawns on the bottom of the lake in its south and southwest shoreline regions (Havens et al. 2001). Chara is a pioneer species that is the first to appear during recovery because its oospores (seeds) can germinate under very low light conditions (Harwell and Havens 2003). The Chara lawns rapidly expanded, and by late summer they covered 35,000 acres of the lake bottom. The plants stabilized sediments and the blooms and turbidity quickly disappeared, leaving clear water in the shoreline area. Recovery was fastest at the south end of the lake, and then commenced in a clockwise direction around the lakeshore, with the north end of the lake taking the longest time to recover. That north end of the lake contained the highest levels of soft mud sediments, and did not achieve full recovery until the mud was exposed to the air and then re-flooded months later.

Although Chara is not a good habitat for bass and other sport fish, its dense lawns provide a stable environment where more desirable plants (eelgrass, pepper grass, southern naiad) can germinate and grow. In 2002 and 2003 those plants replaced Chara with a diverse community that provided good fish and wildlife habitat in Lake Okeechobee (Havens et al. 2004, 2005). Thus it required two successive summers of low water, and in intervening winter of moderate water depth, for the recovery of a healthy community of vascular plants in the lake.

Given these experiences and the current conditions of the lake, it is predicted that the following actions are minimally necessary to achieve recovery of submerged vascular plants in Lake Okeechobee:

Draw-down level → 12 ft or lower

Draw-down duration → 12 weeks or longer

Timing → winter to spring, in two successive years (see below)

Refill rate → as slow as possible, holding the lake below 15 ft in fall-winter

These attributes also are identified in a draw-down schedule super-imposed on the regular lake operating schedule (Figure 4).

## Expected Outcome of a Draw-down

Given the condition of Lake Okeechobee in spring 2005 vs. 2000, the most reasonable expectation is that a 2006 draw-down, with the features identified above (12 ft or lower for 12 weeks or longer) will result in some recovery of *Chara* lawns in the lake's south and southwest regions, and clearing of water in those areas. It also seems likely that some vascular submerged plants will develop within the *Chara* lawns, as occurred in the past. Recovery in the northern region of the lake will likely be less pronounced. Continued management of water levels into 2007 is expected to continue the recovery sequence towards a more diverse vascular plant community that can better support the recruitment of sport fish and provide habitat for wildlife. As noted, conditions in 2005 are more impacted, so these predictions may over-estimate the amount of recovery that actually occurs.

## Expected Outcome of Not Conducting a Draw-down

Unless shoreline areas experience a prolonged period of shallow water, there are no internal mechanisms of the ecosystem that will recover the desired conditions of clear water and diverse plants. In fact, the present turbid conditions are self-stabilizing. The only natural event that could break this pattern is a drought of similar magnitude to the one that occurred in 2000-2001. These events occur at a frequency of approximately once per decade based on historical water level data for the lake.

If a draw-down only is conducted for one year, the submerged plant community is expected to be dominated by *Chara*, and only the south and southwest regions of the lake are expected to display a strong recovery. *Chara* is seasonal in Lake Okeechobee, typically dying back in winter months (Steinman et al. 1997). Therefore if conditions are not maintained may allow vascular plants to colonize the lake shore, the recovery may be transitory.

There is not a linear relationship between water depth and plant growth in shoreline areas, so lowering the lake to only 13.5 or 13 ft is not likely to have noticeable benefits for plants. This reflects the rather flat topography of the shoreline shelf and the fact that until water depths fall below 12 ft, it is unlikely that seeds will have sufficient light to germinate. This all or nothing plant response is characteristic of how shallow eutrophic lakes switch from turbid to clear states (Scheffer 1989, 1998).

## Timing the Draw-down to Minimize Downstream Impacts and Maximize Flexibility

The 2000 draw-down had severe short-term impacts on downstream ecosystems, in particular, the St. Lucie and Caloosahatchee Estuaries, which are located at the terminal ends of the two major flood control outlets from the lake. When large lake discharges occurred, the estuaries were impacted by low salinity water (which can be toxic to marine plants and animals), high sediment loads, and nutrients that stimulate algal blooms. It is desirable to conduct draw-downs of Lake Okeechobee in a manner that minimizes those impacts. If winter or spring 2006 is projected to be unusually wet, it may be desirable to delay a draw-down until 2007, especially if the wet climate prediction has a high degree of certainty. Otherwise a draw-down might occur

during a time when inflows are unusually high, which would require a much greater discharge of water to maintain a lake elevation of 12 ft.

It also is recommended that the draw-down be done in winter (November to February), rather than spring. Winter months in south Florida typically are dry, and heavy summer rains typically begin in May or June, with lake levels rising from July to November. Therefore, starting a draw-down earlier, within the dry season, is likely to be more effective in terms of achieving and holding a desired low water level with minimal amounts of discharge to the estuaries. Past experience also shows that winter is a time when ecological conditions in the estuaries are less apt to be impacted by freshwater releases than during spring, when oyster larvae and fish fry are prevalent in the estuarine waters (SFWMD scientists, personal communications).

A draw-down in winter might also provide needed flexibility in the case of a wet spring following a successful lowering of the lake. Low water in the shoreline region from January to March could allow successful spawning on the shoal area, after which young fish could move back into the littoral zone to escape predators. This would not achieve the goal of restoring lost habitat, but could provide the fishery with a temporary reprieve.

## Other Regional Effects

Effects of a draw-down on other aspects of the regional system, including water supply, may be considered by water managers, but are outside the author's area of expertise.

## Uncertainty

The predictions regarding submerged plant and fish responses to a draw-down of Lake Okeechobee are supported by detailed observations of a prior event when the lake was not as heavily impacted. They have the inherent uncertainty associated with predictions regarding a large complex ecosystem. The lake may respond more quickly than predicted, or it may not respond at all. The predictions represent the most likely responses, based on the best professional judgment of the author, but are not certain or absolute.

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Figure 1. Spatial distribution of submerged aquatic vegetation recorded in a survey by SFWMD in August 2003, before the hurricanes impacted the lake. Source: <a href="https://www.sfwmd.gov">www.sfwmd.gov</a>.

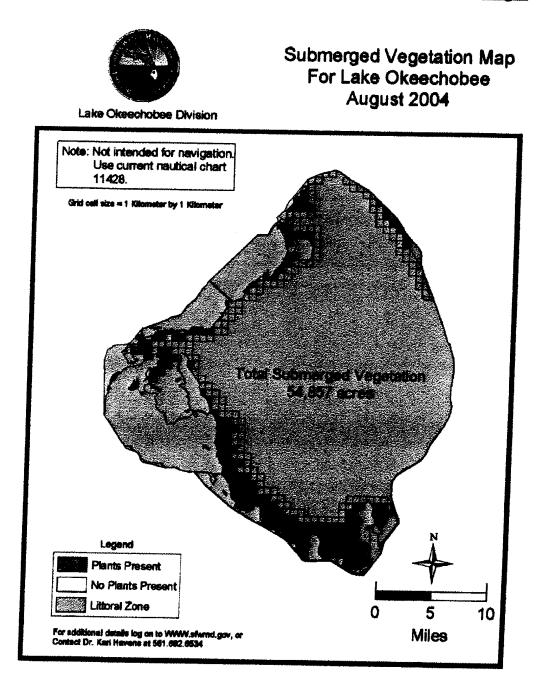


Figure 2. Uprooted vegetation along northwest shore of Lake Okeechobee in fall 2004, after the hurricanes, in the same general area shown in the upper panel of Photo 1. Photo courtesy SFWMD staff.

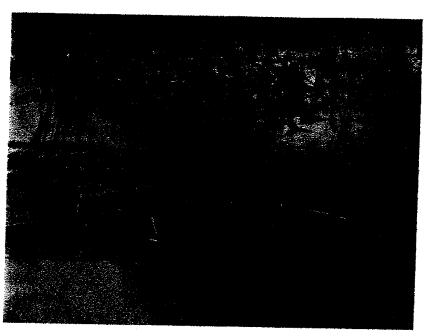
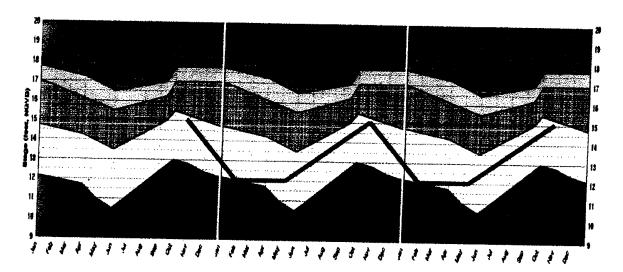


Figure 3. Uprooted vegetation piled up high on the southern shoreline of the lake in fall 2004, after the hurricanes. The blue structures are large tanks previously used by SFWMD scientists for plant growth studies. *Photo courtesy SFWMD staff*.



Figure 4. Draw-down schedule (solid black line) identified in the text, superimposed on the normal operating schedule of the lake and its five distinct operational zones (USACE 1999). This draw-down schedule includes lowering the lake between November and February in the first year, holding the lake at or below 12 ft for at least 12 weeks in the second year, allowing stage to gradually rise to no higher than 15 ft, and then commencing a second draw-down into the third year of the operation.





# Sanibel-Captiva Conservation Foundation



October 16, 2006

Yvonne L. Haberer U.S. Army Corps of Engineers P.O. Box 4970 Jacksonville FL 32232-0019

Re: Draft Lake Okeechobee Regulation Schedule

Dear Ms. Haberer:

This letter is submitted to provide comments on the Draft Supplemental Environmental Impact Statement for the Lake Okeechobee Regulation Schedule Study, (LORSS) and tentatively selected plan, (TSP), presented to the public in Fort Myers on September 14, 2006.

The LORSS is designed to provide for public health and safety while providing flexibility to perform water management operations, and a more equal distribution of shared adversity than the WSE.

A review of the alternatives performance reveals that the Corps selected alternative 1BS2-m, will result in more harm to the estuary than is experienced under the current regulation schedule. The harm to the Caloosahatchee will be experienced, both through flow excedences and by potentially high base flows even when the lake is at low stage levels. The central problem is that the current water management storage infrastructure is inadequate for the volumes that need to be managed.

While the TSP may provide some improved conditions for Lake Okeechobee, it fails to substantially improve conditions for the Caloosahatchee estuary. The capacity of the current infrastructure of the greater Lake Okeechobee service area is inadequate to handle the volume of water being delivered to the system. Even with the C-43 Reservoir, flow excedences in the Caloosahatchee would only be reduced 15% of the



time. This means that damaging conditions will continue to occur at least 25% of the time under average rainfall conditions.

Any change to the Lake Okeechobee regulation schedule must equally value each of the hydrologic systems including the lake and coastal estuaries. To affect this, the regulation schedule must be based on the best available information including current conditions and projections and it must be modeled to support the entire hydrologic system.

Unfortunately, the modeling which has produced this TSP alternative has relied upon dry cycle rainfall data from the 1965-1995 period of record even though climatologists have determined that the next few decades will be dominated by a weather cycle known as the Atlantic Multidecadal Oscillation, AMO, that will deliver twice the volume of rainfall than the period of record used in the modeling which has resulted in the selection of this TSP.

More importantly, this alternative has been developed using a model that restricts and limits water levels in the agricultural areas south of the lake to 18 inches below ground surface. This model condition has created ideal water conditions for the EAA which has eliminated shared adversity for stakeholders south of Lake Okeechobee and shifted the entire burden to the estuaries. This model has not worked in the past and can not work with the predicted higher rainfall volumes.

There is broad support for maintaining the lake levels as low as possible to provide base flows for the estuaries and freeboard in the lake for the rainy season. However two facts remain that must be addressed in the selection of a revised regulation schedule in order to accomplish a long term solution:

- Storage capacity of the current system is insufficient to accommodate current water volumes;
- Water flows into the lake much more quickly than it can be discharged.

The one solution that is agreed upon by stakeholders is additional storage/flow way capacity. Unfortunately, the scope of this project specifically excludes any discussion of structural changes to the footprint of the Lake for additional needed storage and flow ways. This exclusion limits discussion or consideration of the very structural changes in the system that are needed in order to provide a long term solutions for the entire system.

Further evidence for additional storage capacity was evidenced in the summer of 2004 when lake levels jumped 6 feet and the discharge capacity could not draw down the system to lower the lake from critical elevations even with the discharges operating at its maximum capacity.

Another aspect of the SEIS presentation involved the assessment of protected species. The list presented omitted two very critical species that are endemic to the Caloosahatchee; the Manatee and Smalltooth sawfish, *Pristis pectinata*. It is important that

the Environmental Impact Statement be inclusive of all threatened and endangered species that will be impacted by a change in the regulation schedule.

In summary it is important that the whole system be maintained and managed for the public and environmental health of the freshwater and estuarine living systems for today and the future. In conjunction with the Corps recently adopted "12 Actions for Change" to ensure an organization that is adaptable, flexible and responsive to the needs of the nation, we would ask that you revisit the alternatives with the following considerations;

- Revisit the Corps recommended Plan Six in its "Central and Southern Florida Project Reconnaissance Report Comprehensive Review Study", for additional flow capacity south of Lake Okeechobee through the historic southern flow way and Everglades Agricultural Area (EAA).
- Revise the model to eliminate the restriction which maintains the water table south of the lake to 18 inches below ground surface and remodel the alternatives using the current AMO wet cycle conditions.
- 3. Actively evaluate lake expansion options to enlarge and better replicate the historic footprint of lake Okeechobee to accommodate desirable water levels and flows. Reevaluate options to reflood the historic basin of lake Hicpochee to its historic limits for water storage and treatment of water flowing west into the Caloosahatchee.
- Support and incorporate a strategic plan for the EAA to include this expanded flow way capacity.
- 5. Perform a full evaluation of the real root cause of the problems and support alternatives that will solve the problems not just move them from one basin to another, from one generation to the next. Before spending an extraordinary funds on rebuilding the dike at the south end of Lake Okeechobee, consider spending the money on a solution that will solve both the dike and flooding problems; creating a flow way south.
- In the Environmental Impact assessment include consideration of the Endangered Florida Manatee & Smalltooth Sawfish for the Caloosahatchee Estuary, two species that were not included in the species lists presented.

Thank you for your consideration.

fich Liellag

Erick Lindblad
Executive Director

Sanibel Captiva Conservation Foundation



## FLORIDA FARM BUREAU FEDERATION



PO Box 147030 • Gainesville, FL 32614-7030 • Phone: 352/378-1321 <a href="http://FloridaFarmBureau.org">http://FloridaFarmBureau.org</a>

July 10, 2006

U.S. Army Corps of Engineers, Jacksonville District Attn: Col. Robert M. Carpenter, District Commander 701 San Marco Blvd. Jacksonville, FL 32207-0019

## Dear Colonel Carpenter:

Please find enclosed a Resolution on Lake Okeechobee Water Supply that was adopted by the Florida Farm Bureau Federation on June 21, 2006. It is the intent of this Resolution to stress the vital importance of continued dependable water supply for permitted users while balancing the significance of the other concerns of the lake such as dike integrity and environmental health. We are disturbed that the present Tentatively Selected Plan (TSP) does not place enough value on this vital area.

Please reconsider the TSP to make sure that water supply is also given value that is equal to all the other considerations that need to be made for this selection. We value the importance of your decision and are available to provide additional information to assist you at any time.

Sincerely,

Charles M. Shinn, Assistant Director Government & Community Affairs Florida Farm Bureau Federation

PO Box 690342

Vero Beach, FL 32969-0342

cshinn@flbb.net

#### RESOLUTION ON LAKE OKEECHOBEE WATER SUPPLY

WHEREAS, the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD) are considering multiple alternatives to revise the Lake Okeechobee Regulation Schedule by lowering Lake water levels (the "Lake O Alternatives"); and

WHEREAS, certain of the Lake O Alternatives have the potential to significantly impact and lower available water allocations for existing permitted users who rely upon water from Lake Okeechobee as a primary or secondary source of water, including the Agriculture Community, the Seminole Tribe, Local Government Utility Service Providers, Special Water Districts, and individual residents and businesses utilizing their own wells (collectively, the "Water Use Community"); and

WHEREAS, the reduction of available water supply from Lake Okeechobee to meet the existing permitted needs of the Water Use Community (not including future water needs which will be addressed by Alternative Water Supply projects) poses a significant and immediate potential threat to public health, safety and welfare, which must be taken into account in the determination of the Lake O Alternatives; and

WHEREAS, the Florida Farm Bureau Federation recognizes that water supply is but one of the significant public health, safety and welfare concerns that must be weighed by the USACE and the SFWMD in considering the Lake O Alternatives, which include the environmental health of Lake Okeechobee, the health of the flora and fauna which make Lake Okeechobee home, the health of the Everglades, the health of the Caloosahatchee and St. Lucie Estuaries, and the integrity of the Herbert Hoover dike and safety of surrounding communities, but want to assure that in evaluating and revising the Lake Okeechobee Regulation Schedule, meeting the environmental and economic water supply needs of the region should be included as a significant goal and balanced with other objectives; and

WHEREAS, the SFWMD is proposing rulemaking on Regional Water Availability which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the SFWMD is proposing modifications to the Supply Side Management Rule for the Lake Okeechobee Service Area which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the Water Use Community does not have the ability to readily replace loss of existing Lake Okeechobee water supply, given that alternative water supply infrastructure projects take up to 8 to 10 years to design, obtain environmental permits, finance and construct; and

WHEREAS, the SFWMD already has eliminated further water withdrawals from the Regional Water System, and has required the Water Use Community to incorporate alternative water supply sources into new and modified permits to provide supply for future water demands;

WHEREAS, the Water Use Community has already submitted to the SFWMD alternative water supply projects to meet future water demands representing in excess of 400 million gallons per day to implement SFWMD's future water demands program, with a cumulative estimated cost in excess of \$1.3 Billion, and the Water Use Community continues to plan and implement alternative water supply sources in order to provide for future water supply needs;

WHEREAS, the Water Use Community, with the guidance of SFWMD, have diligently implemented water conservation programs, which have significantly reduced per capita water consumption over the last ten years by approximately 10%, including requiring low flow plumbing fixtures, implementing advanced drip irrigation systems, imposing residential irrigation restrictions on a full time basis and not just during water shortage episodes, and supporting xeriscaping, the result of which is that additional conservation gains will be harder to realize and the impact of water shortages will be more acutely and widely felt by the public.

THEREFORE, BE IT RESOLVED, that the Florida Farm Bureau Federation strongly urges the USACE and the SFMWD to favor those Lake O Alternatives that maximize protection of the Water Use Community's existing permitted water allocations, minimize the potential for short term water supply shortages, assure the predictability of a continued and reliable water supply which is essential to water supply planning on local and regional levels, recognize the long planning and implementation horizon for the development of alternative water supply sources to replace Lake Okeechobee water supply negatively impacted by adoption of a new Regulation, and appreciate the widespread impact on the public of water shortages if current Lake Okeechobee water supplies are curtailed.

Having been adop	ted by the _	FLORIDA	FARM BUREAU FEDERATION	
JUNE	on	21	, 2006, it is respectfully submitted,	

CARL B. LOOP, JR., PRESIDENT

#### RESOLUTION ON LAKE OKEECHOBEE WATER SUPPLY

WHEREAS, the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD) are considering multiple alternatives to revise the Lake Okeechobee Regulation Schedule by lowering Lake water levels (the "Lake O Alternatives"); and

WHEREAS, certain of the Lake O Alternatives have the potential to significantly impact and lower available water allocations for existing permitted users who rely upon water from Lake Okeechobee as a primary or secondary source of water, including the Agriculture Community, the Seminole Tribe, Local Government Utility Service Providers, Special Water Districts, and individual residents and businesses utilizing their own wells (collectively, the "Water Use Community"); and

WHEREAS, the reduction of available water supply from Lake Okeechobee to meet the existing permitted needs of the Water Use Community (not including future water needs which will be addressed by Alternative Water Supply projects) poses a significant and immediate potential threat to public health, safety and welfare, which must be taken into account in the determination of the Lake O Alternatives; and

WHEREAS, the Western Palm Beach County Farm Bureau recognizes that water supply is but one of the significant public health, safety and welfare concerns that must be weighed by the USACE and the SFWMD in considering the Lake O Alternatives, which include the environmental health of Lake Okeechobee, the health of the flora and fauna which make Lake Okeechobee home, the health of the Everglades, the health of the Caloosahatchee and St. Lucie Estuaries, and the integrity of the Herbert Hoover dike and safety of surrounding communities, but want to assure that in evaluating and revising the Lake Okeechobee Regulation Schedule, meeting the environmental and economic water supply needs of the region should be included as a significant goal and balanced with other objectives; and

WHEREAS, the SFWMD is proposing rulemaking on Regional Water Availability which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the SFWMD is proposing modifications to the Supply Side Management Rule for the Lake Okeechobee Service Area which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the Water Use Community does not have the ability to readily replace loss of existing Lake Okeechobee water supply, given that alternative water supply infrastructure projects take up to 8 to 10 years to design, obtain environmental permits, finance and construct; and

WHEREAS, the SFWMD already has eliminated further water withdrawals from the Regional Water System, and has required the Water Use Community to incorporate alternative water supply sources into new and modified permits to provide supply for future water demands;

WHEREAS, the Water Use Community has already submitted to the SFWMD alternative water supply projects to meet future water demands representing in excess of 400 million gallons per day to implement SFWMD's future water demands program, with a cumulative estimated cost in excess of \$1.3 Billion, and the Water Use Community continues to plan and implement alternative water supply sources in order to provide for future water supply needs;

WHEREAS, the Water Use Community, with the guidance of SFWMD, have diligently implemented water conservation programs, which have significantly reduced per capita water consumption over the last ten years by approximately 10%, including requiring low flow plumbing fixtures, implementing advanced drip irrigation systems, imposing residential irrigation restrictions on a full time basis and not just during water shortage episodes, and supporting xeriscaping, the result of which is that additional conservation gains will be harder to realize and the impact of water shortages will be more acutely and widely felt by the public.

THEREFORE, BE IT RESOLVED, that the Western Palm Beach County Farm Bureau strongly urges the USACE and the SFMWD to favor those Lake O Alternatives that maximize protection of the Water Use Community's existing permitted water allocations, minimize the potential for short term water supply shortages, assure the predictability of a continued and reliable water supply which is essential to water supply planning on local and regional levels, recognize the long planning and implementation horizon for the development of alternative water supply sources to replace Lake Okeechobee water supply negatively impacted by adoption of a new Regulation, and appreciate the widespread impact on the public of water shortages if current Lake Okeechobee water supplies are curtailed.

Having been adopted by the Western Palm Beach County Farm Bureau on July , 2006, it is respectfully submitted,

Ann Holt, President



## DADE COUNTY FARM BUREAU



1850 Old Dixie Hwy., Homestead, FL 33033 • Tel. 305-246-5514 • Fax 305-245-9170

### RESOLUTION ON LAKE OKEECHOBEE WATER SUPPLY

WHEREAS, the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD) are considering multiple alternatives to revise the Lake Okeechobee Regulation Schedule by lowering Lake water levels (the "Lake O Alternatives"); and

WHEREAS, certain of the Lake O Alternatives have the potential to significantly impact and lower available water allocations for existing permitted users who rely upon water from Lake Okeechobee as a primary or secondary source of water, including the Agriculture Community, the Seminole Tribe, Local Government Utility Service Providers, Special Water Districts, and individual residents and businesses utilizing their own wells (collectively, the "Water Use Community"); and

WHEREAS, the reduction of available water supply from Lake Okeechobee to meet the existing permitted needs of the Water Use Community (not including future water needs which will be addressed by Alternative Water Supply projects) poses a significant and immediate potential threat to public health, safety and welfare, which must be taken into account in the determination of the Lake O Alternatives; and

WHEREAS, the Dade County Farm Bureau recognizes that water supply is but one of the significant public health, safety and welfare concerns that must be weighed by the USACE and the SFWMD in considering the Lake O Alternatives, which include the environmental health of Lake Okeechobee, the health of the flora and fauna which make Lake Okeechobee home, the health of the Everglades, the health of the Caloosahatchee and St. Lucie Estuaries, and the integrity of the Herbert Hoover dike and safety of surrounding communities, but want to assure that in evaluating and revising the Lake Okeechobee Regulation Schedule, meeting the environmental and economic water supply needs of the region should be included as a significant goal and balanced with other objectives; and

WHEREAS, the SFWMD is proposing rulemaking on Regional Water Availability which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the SFWMD is proposing modifications to the Supply Side Management Rule for the Lake Okeechobee Service Area which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the Water Use Community does not have the ability to readily replace loss of existing Lake Okeechobee water supply, given that alternative water supply infrastructure projects take up to 8 to 10 years to design, obtain environmental permits, finance and construct; and

WHEREAS, the SFWMD already has eliminated further water withdrawals from the Regional Water System, and has required the Water Use Community to incorporate alternative water supply sources into new and modified permits to provide supply for future water demands;

WHEREAS, the Water Use Community has already submitted to the SFWMD alternative water supply projects to meet future water demands representing in excess of 400 million gallons per day to implement SFWMD's future water demands program, with a cumulative estimated cost in excess of \$1.3 Billion, and the Water Use Community continues to plan and implement alternative water supply sources in order to provide for future water supply needs;

WHEREAS, the Water Use Community, with the guidance of SFWMD, have diligently implemented water conservation programs, which have significantly reduced per capita water consumption over the last ten years by approximately 10%, including requiring low flow plumbing fixtures, implementing advanced drip irrigation systems, imposing residential irrigation restrictions on a full time basis and not just during water shortage episodes, and supporting xeriscaping, the result of which is that additional conservation gains will be harder to realize and the impact of water shortages will be more acutely and widely felt by the public.

THEREFORE, BE IT RESOLVED, that the Dade County Farm Bureau strongly urges the USACE and the SFMWD to favor those Lake O Alternatives that maximize protection of the Water Use Community's existing permitted water allocations, minimize the potential for short term water supply shortages, assure the predictability of a continued and reliable water supply which is essential to water supply planning on local and regional levels, recognize the long planning and implementation horizon for the development of alternative water supply sources to replace Lake Okeechobee water supply negatively impacted by adoption of a new Regulation, and appreciate the widespread impact on the public of water shortages if current Lake Okeechobee water supplies are curtailed.

Having been adopted by the Dade County Farm Bureau on August 1, 2006, it is respectfully submitted,

Katie A. Edwards, Executive Director



Post Office Box 1319 LaBelle, Florida 33975

Phone: 863-675-2180 Fax: 863-675-8087

Website: www.gulfcitrus.org

July 11, 2006

Nanciann Regalado, Chief Corporate Communications Office U. S. Army Corps of Engineers, Jacksonville District 701 San Marco Boulevard Jacksonville, FL 32207

Dear Ms. Regalado:

As we discussed yesterday by telephone, the citrus growers of Southwest Florida's "Gulf" region, who rely on Lake Okeechobee and the Caloosahatchee River for their irrigation water supply are very concerned about revisions to the current Lake Okeechobee WSE management schedule. These concerns are based on their recent review of the "tentatively selected plan" (TSP). The Gulf Citrus Growers Association represents citrus growers in Charlotte, Collier, Glades, Hendry and Lee counties.

Attached, please find a RESOLUTION supported by the Gulf Citrus Growers Association which respectfully requests that the U. S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD) more conscientiously evaluate the impacts of the proposed TSP on the water user community, including the region's agriculture. Our organization strongly supports Lake Okeechobee "alternatives" that maximize protection of existing permitted water allocations, minimize the potential for short term water supply shortages, and assures the predictability of a continued and reliable water supply throughout the planning horizon as alternative water supplies are identified and developed to replace the water currently existing in Lake O. We recognize and appreciate the efforts of the USACE and SFWMD to improve the water management regimens to better manage the lake for multiple purposes.

As you are well aware, the Gulf Citrus Growers Association has a long and responsible record of engagement as a representative of major stakeholders regarding water issues, including the "Restudy" and the "CERP"! And, we respectively request that this letter and the attached RESOLUTION be entered into the "official" record as part of the public comment on the TSP to revise the current Lake Okeechobee WSE management schedule.

Roy Hamel, Executive Vice President

Encl:

Sincerely;

CC: GCGA Board of Directors

## RESOLUTION ON LAKE OKEECHOBEE

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WHEREAS, the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD) are considering multiple alternatives to revise the Lake Okeechobee Regulation Schedule by lowering Lake water levels (the "Lake O Alternatives"); and

WHEREAS, certain of the Lake O Alternatives have the potential to significantly impact and lower available water allocations for existing permitted users who rely upon water from Lake Okeechobee as a primary or secondary source of water, including the Agriculture Community, the Seminole Tribe, Local Government Utility Service Providers, Special Water Districts, and individual residents and businesses utilizing their own wells (collectively, the "Water Use Community"); and

WHEREAS, the reduction of available water supply from Lake Okeechobee to meet the existing permitted needs of the Water Use Community (not including future water needs which will be addressed by Alternative Water Supply projects) poses a significant and immediate potential threat to public health, safety and welfare, which must be taken into account in the determination of the Lake O Alternatives; and

WHEREAS, the GULF CITRUS GROWERS ASSOCIATION recognizes that water supply is but one of the significant public health, safety and welfare concerns that must be weighed by the USACE and the SFWMD in considering the Lake O Alternatives, which include the environmental health of Lake Okeechobee, the health of the flora and fauna which make Lake Okeechobee home, the health of the Everglades, the health of the Caloosahatchee and St. Lucie Estuaries, and the integrity of the Herbert Hoover dike and safety of surrounding communities, but want to assure that in evaluating and revising the Lake Okeechobee Regulation Schedule, meeting the environmental and economic water supply needs of the region should be included as a significant goal and balanced with other objectives; and

WHEREAS, the SFWMD is proposing rulemaking on Regional Water Availability which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the SFWMD is proposing modifications to the Supply Side Management Rule for the Lake Okeechobee Service Area which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the Water Use Community does not have the ability to readily replace loss of existing Lake Okeechobee water supply, given that alternative water supply infrastructure projects take up to 8 to 10 years to design, obtain environmental permits, finance and construct; and

WHEREAS, the SFWMD already has eliminated further water withdrawals from the Regional Water System, and has required the Water Use Community to incorporate alternative water supply sources into new and modified permits to provide supply for future water demands;

WHEREAS, the Water Use Community has already submitted to the SFWMD alternative water supply projects to meet future water demands representing in excess of 400 million gallons per day to implement SFWMD's future water demands program, with a cumulative estimated cost in excess of \$1.3 Billion, and the Water Use Community continues to plan and implement alternative water supply sources in order to provide for future water supply needs;

WHEREAS, the Water Use Community, with the guidance of SFWMD, have diligently implemented water conservation programs, which have significantly reduced per capita water consumption over the last ten years by approximately 10%, including requiring low flow plumbing fixtures, implementing advanced drip and low volume irrigation systems, imposing residential irrigation restrictions on a full time basis and not just during water shortage episodes, and supporting xeriscaping, the result of which is that additional conservation gains will be harder to realize and the impact of water shortages will be more acutely and widely felt by the public.

THEREFORE, BE IT RESOLVED, that the GULF CITRUS GROWERS ASSOCIATION] strongly urges the USACE and the SFMWD to favor those Lake O Alternatives that maximize protection of the Water Use Community's existing permitted water allocations, minimize the potential for short term water supply shortages, assure the predictability of a continued and reliable water supply which is essential to water supply planning on local and regional levels, recognize the long planning and implementation horizon for the development of alternative water supply sources to replace Lake Okeechobee water supply negatively impacted by adoption of a new Regulation, and appreciate the widespread impact on the public of water shortages if current Lake Okeechobee water supplies are curtailed.

Having been adopted by the GULF CITRUS on July 11, 2006 it is respectfully submitted.

P.

CITRUS GROWER

Ron Hamel

**Executive Vice President** 

**Gulf Citrus Growers Association** 



October 12, 2006

Pete Milam, Project Manager U.S. Army Corp of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Dear Mr. Milam:

On behalf of the Florida Fruit and Vegetable Association and our grower members in the Lake Okeechobee Service Area, I offer the following comments on the Lake Okeechobee Regulation Schedule Study (LORSS) draft Supplemental Environmental Impact Statement (SEIS). While we recognize your concerns regarding the integrity of the Herbert Hoover Dike and understand the critical importance of improving flood protection in the region, we feel strongly that the current Water Supply/Environment (WSE) regulation schedule should remain intact until an alternative schedule that can be permitted and successfully operated is identified.

While the preferred alternative improves flood protection and provides ecological benefits to the lake, it also increases water supply risks under drought conditions and fails to meet the objectives of minimizing high flow events to the estuaries. This is not acceptable, and we ask that you consider other alternatives that will not increase supply risks. Even under the current WSE schedule, agriculture producers have experienced significant crop losses under drought conditions that have occurred in recent years.

As you know, the proposed regulation schedule will require the installation and operation of large capacity forward pumps to provide water under low lake level conditions. The installation and operation of these pumps requires permits that have not yet been approved, and we have not yet received a biological opinion from the U.S. Fish and Wildlife Service (USFWS). We ask that you do not approve any changes to the current regulation schedule until a favorable USFWS opinion is received and the forward pumps are permitted. We are also concerned that the proposed schedule will increase the likelihood of minimum flow and level (MFL) violations which could force the South Florida Water Management District to modify the MFL and/or develop a recovery strategy.

We also ask that you recognize that growers must have predictability in water supply in order to make good business decisions. The non-typical operations section effectively removes this predictability, and we as that this section be deleted.

I appreciate the opportunity to provide comments on the LORSS - draft SEIS. If you have any questions about these comments or the concerns that we have raised, please give me a call at 850/521-0455.

Sincerely,

Alan Peirce

FFVA - Manager of Government Affairs

# Sugar Cane Growers Cooperative of Florida

**POST OFFICE BOX 666** 

33430-0666

BELLE GLADE, FLORIDA

September 18, 2006

Col. Paul L. Grosskruger Commander, Jacksonville District U.S. Army Corps of Engineers 701 San Marco Boulevard Jacksonville, FL 32207-0019

Dear Col. Grosskruger:

First, I would like to thank you for giving us the opportunity to share our views on the proposed Lake Okeechobee regulation schedule. My name is George H. Wedgworth and I serve as president and CEO of Sugar Cane Growers Cooperative of Florida. The Cooperative is made up of 49 small to medium size sugarcane and vegetable growers located in Palm Beach County. For the last 50 years our livelihoods have been directly linked to management of the Central and South Florida Flood Control Project.

My family has been in Belle Glade since 1930 and we have grown up with the water management system starting with the early drainage efforts of the Everglades Drainage District. My late-mother testified at Congressional hearings of the need for the system before House Bill 643 was passed in 1948. The development of agricultural land in the Everglades Agricultural Area (EAA) was one of the primary justifications for the Project. The Cooperative has had several grower members sit on the Governing Board of the Water Management District and are active participants in water-related activities as well as being great supporters of the U.S. Army Corps of Engineers.

For farmers, the overriding concern with the proposed lake regulation schedule is water supply. We have to be able to get water from the Lake during dry periods or we will suffer crop losses. There has been much discussion lately about freeing up the regional water supply for the environment and moving water use to alternative sources. For agriculture in the Lake Okeechobee Service Area including the EAA there is no viable alternative. On August first of this year the lake stage was below 12 feet and there was talk of declaring a water shortage. This year the lake was operated in a manner very similar to the 2000-01 managed recessions that wrought over \$50 million worth of losses to sugar growers alone. I personally toured the lake bottom on a half-track and witnessed miles of littoral zone as cracked, dried up mud without any boat or recreational access to lakeside marinas. The recreational community was up in arms, the urban areas were on water restrictions and our crop received less than half the water it needed to grow. To us, a drought that was made much worse by water management decisions is a very recent memory. And it is a mistake that we would not like to see repeated.

The proposed schedule relies on the use of temporary forward pumps, provided by the South Florida Water Management District, to get water out of the lake during water short years. What happens to the Lake schedule if for some reason the new pumps are not built or allowed to be operated? Since every alternative that has been evaluated assumes they are in place, a final answer on the forward pumps is necessary prior to adoption of this schedule.

In light of the uncertainty regarding the future pumps, the planned adoption of this schedule is premature. A new schedule should not be approved until a final biological opinion is received from the U.S. Fish and Wildlife Service allowing for the use of forward pumps as contemplated in the proposed schedule. Without that there is no valid schedule, and south Florida would have no protection from the next drought.

In addition to timing of the schedule decisions, we have other concerns. Predictability in water supply is necessary for farmers in order for them to make essential business decisions. The non-typical operations section contained in the draft water control plan is very confusing and makes it impossible for us to predict what you are actually going to do. This section should be deleted.

In summary, severe water supply shortages for the Lake Okeechobee Service Area and Lower East Coast are unacceptable. The lake regulation schedule needs to provide assured methods for dealing with the next water shortage that we know will come. This includes the operation of forward pumps and a new water shortage plan that works.

We ask that you please consider water supply ramifications in modifying the lake regulation schedule. Thank you for listening to our concerns.

Sincerely,

George H. Wedgworth President & C.E.O.

Sung H. Whoyworld

GHW:BJM:swd G:\Shelley\2006\GHW\letters\Col Grosskruger 9-18-06.doc



Advertising

September 26, 2006

Graphic Design

U.S. Army Corps of Engineers Jacksonville District, 701 San Marco Blvd. Jacksonville, FL 32207

Attn: Project Manager Pete Milam

RE: Lake Okeechobee Regulation Schedule Study (LORSS)

Please end toxic releases to the Caloosahatchee River! As a concerned citizen, angler and Sanibel Realtor, I am writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaguing the Caloosahatchee River, our estuaries, and offshore in the Gulf of Mexico. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

In order to do so, I urge you to store water for water supply and irrigation outside the lake and manage the lake at permanently lower levers that mimic natural conditions.

The current water releases additionally sacrifice the river's water quality. The combination of re-suspended sediments and fertilizers has turned Lake Okeechobee into a polluted body of water, which is released regularly into the Caloosahatchee, and eventually reaches San Carlos Bay. This leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. Our beaches are littered with dead fish and decaying algae. We need to come up with a better solution for protecting both human health and the environmental integrity of the region, as well as our tourism-based economy and coastal real estate values.

I urge you to REJECT the Tentatively Selected Plan (TSP) and revisit the Corp.'s very own PLAN SIX which provides even further restoration of the South Florida ecosystem. The National Audubon Society and others recommended similar efforts. The beauty of Plan Six is that it gets down to basics and spells out specifics for the flowway. The Corps specified the bordering levees and the changes that could be made, and even calculated the locks' enlargements to take south some four billion gallons a day out of the lake.

I am of the firm belief that the U.S. Army Corps of Engineers, together with the South Florida Water Management Distric, has made, and continues to make, a colossal mistake by ignoring the flowway idea proposed in PLAN SIX.

Sincerely,

Kit Traverso 6718 Griffin Blvd. Fort Myers, FL 33908 Ph. 239.410.5170

Fax 239.489.1272

email: traverso1@comcast.net

Cc: Congressman Connie Mack IV

Senator Bill Nelson Senator Mel Martinez 6718 GRIFFIN BLVD. FORT MYERS, FL 33908

TEL 239.278.4700 FAX 239.489.1272

web www.traverso-ads.com

## YOUNG VAN ASSENDERP PA.

#### ATTORNEYS AT LAW

ATTORNEYS:

TASHA O. BUFORD
DAVID S. DEE
RONALD A. LABASKY
JOHN T. LAVIA, III
PHILIP S. PARSONS
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ROY C. YOUNG

GALLIE'S HALL
225 SOUTH ADAMS STREET
SUITE 200
POST OFFICE BOX 1833
(ZIP 32302-1833)
TALLAHASSEE, FLORIDA 32301

TELEPHONE: (850) 222-7206 TELECOPIER: (850) 561-6834

October 11, 2006

OF COUNSEL ATTORNEYS:

DANIEL H. COX DAVID B. ERWIN JOSEPH W. LANDERS, JR.

GEORGE ANN C. BRACKO EXECUTIVE DIRECTOR

Mr. Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

> Re: Revised Lake Okeechobee Regulation Schedule and EAA Water Control Plan – proposed Water Management Operational Guidance

Dear Mr. Milam:

I am writing on behalf of the grower and processor members of the Florida Sugar Cane League, Inc. who are engaged in water dependent agricultural operations in the Everglades Agricultural Area, south of Lake Okeechobee. We are grateful for this and other opportunities to comment on the proposed revisions to the existing Lake Okeechobee Regulation Schedule and related revisions to the Water Control Plan.

The Florida Sugar Cane League recognizes the environmental and structural impacts resulting from recent high stages in Lake Okeechobee and understands the need to moderate higher Lake stages. We know also, however, that the Tentatively Selected Plan now proposed in the Lake Okeechobee Regulation Schedule Study will bring much lower Lake Stages than 12.5 ft.

EAA Landowners experienced substantial economic losses during the most recent low Lake stage episode even though temporary forward pumps were installed.

Proposed operational guidance during the lowest of the proposed Management Bands, the "Supply Side Management Band" is that operations in this zone be governed by the South Florida Water Management District Supply Side Management Plan. The South Florida District's Supply Side Management Plan is, as your Draft Supplemental EIS acknowledges, under revision and rulemaking won't be complete until after this current comment period ends. There is also uncertainty as to compliance with the existing Minimum Flow and Level adopted for the Lake during more frequent low levels.

The proposed Revisions to Lake Okeechobee Operational Guidance also state that "Species of special concern and other issues will be considered in determination of lake release to be performed at lower lake levels to avoid extreme low lake levels, when possible." The Draft Supplemental EIS notes that there are unresolved issues and that the Corps and U.S. Fish and Wildlife Service "are engaged in formal consultation under the Endangered Species Act" and "issuance of a Biological Opinion by the USFWS is forthcoming." We have to presume that if the USFWS information leads to any changes to the proposed schedule, a revised draft SEIS will be produced and additional public review and comment will be solicited.

The analysis of your tentatively selected plan assumes that the Water Management District's Supply Side Management Plan and installation of forward pumps will allow continued delivery of water to the EAA during low Lake Stages as was provided in the last extreme drought.

If this assumption is not correct, your conclusion that the tentatively selected plan provides the most optimum balance of C&S Florida Project purposes will be unfounded. You won't know whether your assumption is correct until (1) the formal consultation with USFWS is complete and the Biological Opinion has been provided and (2) issues relating to the District's Supply Side Management Plan and Minimum Flow and Level have been resolved.

We concur with your recent decision to wait for the Biological Opinion from USFWS before completing your Supplemental EIS.

For these reasons, the Florida Sugar Cane League urges you not to take final action on the tentatively selected plan for the Lake Okeechobee Regulation Schedule and related Operational Guidance until all of these issues are resolved and the operation of forward pumps delivering water from Lake Okeechobee to the EAA has been authorized under all applicable requirements.

Thank your for this opportunity to make further comment.

Sincerely,

Philip S. Parsons

For the Florida Sugar Cane League, Inc.



Debby Eisinger, Mayor Bart Roper, Jr., Commissioner Linda Ferrara, Commissioner John Valenti, Commissioner Elliot Kleiman, Commissioner Christopher J. Farrell, City Manager

THE CITY OF

**BROWARD COUNTY, FLORIDA** 

P.O. BOX 290910 9090 Southwest 50th Place Cooper City, Florida 33329-0910 (954) 434-4300 • Fax (954) 434-5099 coopercityhall@coopercityfl.org

October 10, 2006

Mr. Richard E. Bonner, P.E.
Deputy District Engineer
United States Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207-8175

Dear Mr. Bonner:

Enclosed please find a copy of the City of Cooper City's Resolution No. 2006-10-3 regarding Lake Okeechobee's Regulation Schedule. This document was approved by the City Commission at their meeting on Tuesday, October 3, 2006.

Please contact the undersigned with any questions you may have or if you require additional information.

Very truly yours,

Susan Poling

**Assistant City Clerk** 

Enclosure

cc: Carol Wehle, SFWMD

### RESOLUTION NO. 2006-10-3

A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, URGING SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO MAXIMIZE PROTECTIONS OF EXISTING WATER PERMIT ALLOCATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the U.S. Army Corps of Engineers (USACE) and the South Florida Water Management District (SFWMD) are considering multiple alternatives to revise the Lake Okeechobee Regulation Schedule by lowering Lake water levels (the "Lake O Alternatives"); and

WHEREAS, certain of the Lake O Alternatives have the potential to significantly impact and lower available water allocations for existing permitted users who rely upon water from Lake Okeechobee as a primary or secondary source of water, including Local Government Utility Service Providers, individual residents and businesses utilizing their own wells; the Agriculture Community, the Seminole Tribe, and Special Water Districts, (collectively, the "Water Use Community"), and

WHEREAS, the reduction of available water supply from Lake Okeechobee to meet the existing permitted needs of the Water Use Community (not including future water needs which will be addressed by Alternative Water Supply projects) poses a significant and immediate potential threat to public health, safety and welfare, which must be taken into account in the determination of the Lake O Alternatives; and

WHEREAS, the City of Cooper City recognizes that water supply is but one of the significant public health, safety and welfare concerns that must be weighed by the USACE and the SFWMD in considering the Lake O Alternatives, which include the environmental health of Lake Okeechobee, the health of the flora and fauna which make Lake Okeechobee home, the health of

the Everglades, the health of the Caloosahatchee and St. Lucie Estuaries, and the integrity of the Herbert Hoover dike and safety of surrounding communities, but want to assure that in evaluating and revising the Lake Okeechobee Regulation Schedule, meeting the environmental and economic water supply needs of the region should be included as a significant goal and balanced with other objectives; and

WHEREAS, the SFWMD is proposing rulemaking on Regional Water Availability which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the SFWMD is proposing modifications to the Supply Side Management Rule for the Lake Okeechobee Service Area which will further limit the availability of water from Lake Okeechobee; and

WHEREAS, the Water Use Community does not have the ability to readily replace loss of existing Lake Okeechobee water supply, given that alternative water supply infrastructure projects take up to 8 to 10 years to design, obtain environmental permits, finance and construct; and

WHEREAS, the SFWMD already has eliminated further water withdrawals from the Regional Water System, and has required the Water Use Community to incorporate alternative water supply sources into new and modified permits to provide supply for future water demands;

WHEREAS, the Water Use Community has already submitted to the SFWMD alternative water supply projects to meet future water demands representing in excess of 400 million gallons per day to implement SFWMD's future water demands program, with a cumulative estimated cost in excess of \$1.3 Billion, and the Water Use Community continues to plan and implement alternative water supply sources in order to provide for future water supply needs;

WHEREAS, the Water Use Community, with the guidance of SFWMD, have diligently implemented water conservation programs, which have significantly reduced per capita water

consumption over the last ten years by approximately 10%, including requiring low flow plumbing fixtures, implementing advanced drip irrigation systems, imposing residential irrigation restrictions on a full time basis and not just during water shortage episodes, and supporting xeriscaping, the result of which is that additional conservation gains will be harder to realize and the impact of water shortages will be more acutely and widely felt by the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COOPER CITY, FLORIDA:

Section 1: The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon its adoption.

Section 2: City of Cooper City strongly urges the USACE and the SFMWD to favor those Lake O Alternatives that maximize protection of the Water Use Community's existing permitted water allocations, minimize the potential for short term water supply shortages, assure the predictability of a continued and reliable water supply which is essential to water supply planning on local and regional levels, recognize the long planning and implementation horizon for the development of alternative water supply sources to replace Lake Okeechobee water supply negatively impacted by adoption of a new Regulation, and appreciate the widespread impact on the public of water shortages if current Lake Okeechobee water supplies are curtailed.

Section 3: That this Resolution shall become effective immediately upon its passage.

## PASSED AND ADOPTED this 3<sup>rd</sup> day of October, A.D., 2006.

ATTEST:

SUSAN BERNARD City Clerk

ROLL CALL

Mayor Eisinger	485
Commissioner Roper	YES
Commissioner Ferrara	YES
Commissioner Valenti	785
Commissioner Kleiman	785



September 7, 2006

Col. Paul L. Grosskruger Commander, Jacksonville District U.S. Army Corps of Engineers 701 San Marco Boulevard Jacksonville, FL 32207-0019

Dear Col. Grosskruger:

Water resource management in south Florida, where land elevations are relatively constant over hundreds of square miles, is challenging as compared to the midwestern United States areas such as Benton County Iowa where my wife's family has farmed for over 120 years.

The eastern United States enjoys fresh vegetable crops from this area of Florida seven months each year from early November through May. Nearly all of the domestic production for consumers residing in the Mississippi basin eastward to the Atlantic Ocean is grown on land under your management in South Florida. Our area is also the largest domestic producer of sugar from sugarcane in the United States.

My farms produce both vegetables and sugarcane and have been in continuous operation since 1932. I am limiting my present concerns addressed to you to the contemplated Lake Okeechobee elevation changes under consideration by the Corps and the State. In short, the anticipated stabilization of Lake levels at 10 feet above sea level during the fall and winter dry season is of great concern to me as a farmer. That level could drop even much lower than 10 feet because of the extremely open-ended management criteria and the water needs of the newly created water STA's south of the Lake that will receive their water supply mainly from the New River Canal and Miami Canal systems.

I have personal experience with an inability to draw water within my permitted rights on a 1,000 acre farm located three miles south of South Bay on the east side of the New River Canal. In the winter and spring of 2001 I could not get enough water to grow my crops properly on this farm when the Lake levels were in this contemplated lower elevation level. That farm is permitted to withdraw water that was not available because of mismanagement of the Lake level during that season. I suffered drought and economic loss. I had a similar experience in 1982 on a 500 acre farm producing sweetcorn for fresh market. These two examples precede the additional water use requirements now coming online with the STA's being a huge water user because of their

massive evaporation problem in that they lose nearly an inch of water on a hot day becoming a water sink.

America needs safe domestic food production for its future generations. Those of us who are responsible farmers want and need to be able to operate efficiently to fulfill that need. Please carefully consider this when reviewing the suggested Lake level plans in view of historical events as well as present and future additions to increased needs of volumes of water. Adequate water is needed to meet the requirements of the STA's as defined in the Comprehensive Everglades Restoration Program, management of Lake Okeechobee, and the hundreds of thousands of acres of farm land producing food for our country.

Sincerely.

Roger Hatton

President, R.C. Hatton Farms

## Sugar Cane Growers Cooperative of Florida

33430-0666

BELLE GLADE, FLORIDA

September 18, 2006

**POST OFFICE BOX 666** 

. .

Col Paul L. Grosskruger Commander, Jacksonville District L.S. Army Corps of Engineers 701 San Marco Boulevard Jacksonville, FL 32207-0019

Dear Col. Grosskruger:

First, I would like to thank you for giving us the opportunity to share our views on the proposed Lake Okeechobee regulation schedule. My name is George H. Wedgworth and I serve as president and CEO of Sugar Cane Growers Cooperative of Florida. The Cooperative is made up of 49 small to medium size sugarcane and vegetable growers located in Palm Beach County. For the last 50 years our livelihoods have been directly linked to management of the Central and South Florida Flood Control Project

My family has been in Belle Glade since 1930 and we have grown up with the water management system starting with the early drainage efforts of the Everglades Drainage District. My late-mother testified at Congressional hearings of the need for the system before House Bill 643 was passed in 1948. The development of agricultural land in the Everglades Agricultural Area (EAA) was one of the primary justifications for the Project. The Cooperative has had several grower members sit on the Governing Board of the Water Management District and are active participants in water-related activities as well as being great supporters of the U.S. Army Corps of Engineers.

For farmers, the overriding concern with the proposed lake regulation schedule is water supply. We have to be able to get water from the Lake during dry periods or we will suffer crop losses. There has been much discussion lately about freeing up the regional water supply for the environment and moving water use to alternative sources. For agriculture in the Lake Okeechobee Service Area including the EAA there is no viable alternative. On August first of this year the lake stage was below 12 feet and there was talk of declaring a water shortage. This year the lake was operated in a manner very similar to the 2000-01 managed recessions that wrought over \$50 million worth of losses to sugar growers alone. I personally toured the lake bottom on a half-track and witnessed miles of littoral zone as cracked, dried up mud without any boat or recreational access to lakeside marinas. The recreational community was up in arms, the urban areas were on water restrictions and our crop received less than half the water it needed to grow. To us, a drought that was made much worse by water management decisions is a very recent memory. And it is a mistake that we would not like to see repeated.

The proposed schedule relies on the use of temporary forward pumps, provided by the South Florida Water Management District, to get water out of the lake during water short years. What happens to the Lake schedule if for some reason the new pumps are not built or allowed to be operated? Since every alternative that has been evaluated assumes they are in place, a final answer on the forward pumps is necessary prior to adoption of this schedule.

In light of the uncertainty regarding the future pumps, the planned adoption of this schedule is premature. A new schedule should not be approved until a final biological opinion is received from the U.S. Fish and Wildlife Service allowing for the use of forward pumps as contemplated in the proposed schedule. Without that there is no valid schedule, and south Florida would have no protection from the next drought

In addition to timing of the schedule decisions, we have other concerns. Predictability in water supply is necessary for farmers in order for them to make essential business decisions. The non-typical operations section contained in the draft water control plan is very confusing and makes it impossible for us to predict what you are actually going to do. This section should be deleted.

In summary, severe water supply shortages for the Lake Okeechobee Service Area and Lower East Coast are unacceptable. The lake regulation schedule needs to provide assured methods for dealing with the next water shortage that we know will come. This includes the operation of forward pumps and a new water shortage plan that works.

We have preliminarily reviewed the risk analysis contained in the draft EIS and wonder if there is a place where you can direct us for more information.

We believe the risk of "failure" is overstated since the probability of a high wind and rain storm event occurs when the lake is at its peak elevation. Therefore, it's likely that the real risk of failure is something less than 10% at 17' and less than 45% at 18'. We live here and believe flood protection is essential to our lives and livelihoods. However, we question whether the 17.25' constraint is indeed the correct elevation to protect public health and safety while not compromising the estuaries or water supply. Has your risk analysis been independently scientifically peer reviewed as is the Corps current policy on issues like these?

We ask that you please consider water supply ramifications in modifying the lake regulation schedule. Thank you for listening to our concerns.

Sincerely

George H. Wedgworth President & C.E.O.

AHW RIM sort
 Shelley 200m CHW letters Col Growkeriger in 18-0m dox

- Recognize the damage already done to SWFL by your previous releases
- Prevent water releases that exceed your own biologists' recommendations
- Base decisions on current wet cycle data—not outdated data
- More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

My friends and my family have had medical difficulties resulting from the Lake O overflow. Please consider your moral obligation to the people, the tax payers, (your paychech tro!) to keep the waters of Fluida healthy. Modify your plan with respect to all along the path of the Caloosahachee River. Thombyon! June & Getfood Sanibal, Fe 33957

WE LIVE, WORK & INVEST IN SOUTHWEST FLORIDA. WE ASK YOU TO MODIFY YOUR PLAN 2007-2010 LAKE O RELEASE SCHEDULE TO MEET YOUR OWN OBJECTIVES & PROTECT THE CALOOSAHATCHEE RIVER & ESTUARY, YOUR JOB IS TO PROTECT BOTH THE DIKE & THE ESTUARY, PLEASE:

- YOUR PREVIOUS RELEASES.
- · PREVENT WATER RELEASES that EXCEED YOUR OWN BIOLOGISTS.
- · BASE DECISIONS ON CURRENT WET CYCLE DATA NOT OUTDATED DATA
- · MORE EQUITABLY PLAN FOR DISCHARGES IN MULTIPLE BIRECTIONS -NOT FORCING the CALOOSAHATCHEE RIVER to take the BIGGEST HIT.

MAN? LIZ KENNEDY 1467 ALBATROSS ROAD SANIBEL, FL 33957 Dear Pete,

I live, work and invest in Southwest Florida. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

- Recognize the damage already done to SWFL by your previous releases
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· Being any and all, Jamily members to a newrather day at the beach and experience what your weak wavagement has caused.

· where is the coeps' sense of ungency?

. I am a year road resident.

R. A. Keen

- Recognize the damage already done to SWFL by your previous releases
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Please help this Problem. A Conduit or ditch to release into the everglades would not hust anyone.

I. C. Mª Lendon M.D.

200 PER: W.NKLE WAY-219

SANIBEL, FL 33951-1424
(239) 395-1301.

- Recognize the damage already done to SWFL by your previous releases
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In 2000, I cheered the acceptance of the CERP. It was
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many liveres agreeies and interests.

Many liveres agreeies and interests.

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and seagueses closering the shows of fine soland found.

In 15 years All I did not expect to live long enough to see
the fulfilment of the CERP promise. I hoped to within sissue of
progress, Institut, I am dismayed by the further destruction of
our estercies.

There are the skell and imagination that doubt have prevented
the societies of another living ecosystem? I am instruction degradation
instituted in restriction. This destruction strikes at the cone of my being?

What are you clong??

High Patterson.

Janibel FL

VEAR. MR. MILAM,

I live, work and invest in Southwest Florida. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

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people around Lobe O versus 'them wentality ("us" hard working people around Lobe O versus 'them coastal people in Lee country), which is hurting water release negotiations.

Ne are all going to have to cooperate and work together, and mobe to Accrifices, if we are to have work equitable water releases to unfortunate that, becalls ago, our forefathers his upted the natural flow of Lobe O through the Energlales. THANK YOU.

Ir. & Mrs. Rift Pare Ranieri 3343 ST. KILDA RD., SANIBEZ, FL 33957

August 20,2006

I live, work and invest in Southwest Florida. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

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- More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit
- Review surface water management practices of local governments, regarding run-off from landscaped yards, streets, golf courses and City storm sewers. What % percentage of the estuary demage is from other sources of run-off than Lake O?

  Include impact study of bad Hozel + Edward Schullu fertilizer + chemicals added to Sanikl (edn hazel @comcast. het) SWFL by construction/developments which are permitted by the Corps of Engineers, whenever a property receives its permit from you.

- Recognize the damage already done to SWFL by your previous releases
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 More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

If you don't disting the system symwhit have done store it! Rethink the issue with distruction not being an option.

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AS A ZOYR, SANIBEL/CAPTINA RESIDENT + BUSINESS

OWNER, I AM APAULED AT THE CONDITION OF OR

WATER QUALITY. IT HAS AFFECTED MY FAMILY'S

HEALTH AND MY BUSINESS, I PLEADE WITH YOU TO

ALTER YOUR CUPPENT PELEUSE OF WATER" PLAN AND

CONISIDER THE RESIDENTS OF SANIBEL/CAPTINA.

-MARCEL VENTURA

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Moren Myst.
For Thys City Council

#### **Chet Sadler**

From: Chet Sadler [chet@sadler-assoc.com]

Sent: Tuesday, September 12, 2006 6:09 PM

To: 'milam@saj02.usace.army.mil'

Cc: 'purre@purre.org'

Subject: Water Release from Lake Okeechobee

Dear Mr. Milam,

About a month ago I sent you the email below. I never received any kind of reply.

Since sending this email I have read that ACE is accelerating the project to build a polluted run-off lake for \$368 Million. What a waste of the tax payer's money. Use that money to send the water south. Have you ever heard of the Everglades restoration project? I don't know what that means to you but to me it is just one thing. Send the water south like it was before ACE changed it. You can not restore the Everglades without a lot of water.

80114

Please stop thinking about ways to spend money to send water East and West. All money should go for sending water south.

Chester Sadler

From: Chester Sadler [mailto:sadler@plasticengineers.com]

Sent: Wednesday, August 09, 2006 6:17 PM

To: milam@saj02.usace.army.mil

Cc: purre@purre.org

Subject: Water Release from Lake Okeechobee

Dear Mr. Milam.

I am writing in regards to the massive water release from Lake Okeechobee going East and West.

I sat in horror July 12 at the Army Corps Plan meeting in Fort Myers. It is so obvious that the Army Corp of Engineers (ACE) has a totally different agenda. Why even discuss or plan to put water East and West? It is obvious that the polluted excess water is ruining the Estuaries it is dumped into now. It will only get worse in the future.

The ACE should be thinking about only one thing, HOW DO WE GET 90% OF THE WATER TO GO SOUTH. It is the old "We can put a man on the moon," issue. All of the fine engineers at ACE could do it very quickly and efficiently, it only takes a will and mandate. I am sure you do not need me to tell you how to do it, but here are a few ideas:

- 1. Build three bridges, with waterways to match, for alligator alley so the water can flow south.
- 2. Take over all the land that the Sugar Cane companies currently rents for pennies and use for storage, etc. I understand they also get paid not to plant, take that land also.
- 3. Stop the pollution at the source. Cleanup and monitor the Kissimmee River.
- 4. Stop all building permits South of Lake O.
- 5. Add a storm water treatment plant going into and out of Lake O.
- 6. Stop guaranteeing the Sugar Companies water in the dry season. Talk to the farmers all over the US, maybe you should guarantee them also.
- 7. Take your dog and pony show south and ask for ideas.

- Recognize the damage already done to SWFL by your previous releases
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- More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

Please help save our surrounding waters! We have dead sea turter, large and small fish, and shore birds.

Thank you, John and Debbie Friedlund 1436 Jamavea On Sanibel, FL. 33950

- Recognize the damage already done to SWFL by your previous releases
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CHRISTOPHER CAIN BETSY CAIN 9483 PEACEFUL DR. SANIBEL, FL 33957-4212

We also manage resorts on Sanibel and we Ove loosing business due to the Color/Condition of the water

- Recognize the damage already done to SWFL by your previous releases
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My son cannol go near the beach
he starts coughing.

Steven Chance
1128 Sand castle

San.bol F1.

33957

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As a practicing physician on Sanibel for the past 17 years I am very concerned about the increased frequency of red tide episodes and the corresponding increased sensitivity to the neurotoxins in patients who I have monitored. Long term health effects are very worrisome.

Residents -

Robert & Carolyn Fisher 1954 Roseate Ln. Sanibel, FL. 33957

Business -

Robert H. Fisher, D.C. 2400 Palm Ridge Rd., C3 Sanibel, FL 33957

## PLEASE SHARE THIS WITH YOUR NEW COMMANDING OFFICER.

I live, work and invest in Southwest Florida. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

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- More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

PLEASE PAY ATTENTION TO PRIOR HISTORY WHICH
RECALLS THAT CARGER QUANTITIES OF WATER WERE
SENT TO THE ST. LUCIE WATERWAY. SENDING
GREATER QUANTITIES OF WATER EAST UIA STLUCIE
WATERWAY WORLD DECREASE AMOUNT SENT UIA
THE CALOOSAHATCHIE RIVER INTO OUR ESTUARY.
IF SHARED ADVERSITY IS YOUR SOLUTION - THEN
THE ST LUCIE ROATERWAY NEEDS TO TAKE A MUCH
GREATER SHARE.

BAND M. BERGER MD.

- Recognize the damage already done to SWFL by your previous releases
- Prevent water releases that exceed your own biologists' recommendations
- Base decisions on current wet cycle data—not outdated data
- More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

Mr. Milan,

b hast and fish regularly in the Sambul Causemany
and Pine Saland Sound area. There has been

considerable loss of seograss hads and warrening of

water quality over the last deveral years. Adeases

of large quantities of fresh water from Lake o are

Killing our estuary. This needs to stop, there needs to

he another way of leading with this issue that is not

so letrimental to the grouse and sea life in this over.

Summer Rosper Burnell

- Recognize the damage already done to SWFL by your previous releases
- Prevent water releases that exceed your own biologists' recommendations
- · Base decisions on current wet cycle data-not outdated data
- More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

Sandalfrat Doard of Directors
Representing over 60 owners at
Sandalfrat, 671 d. Gulf Dr., Janibel
239-472-2275



### Dick & Gail Weiss

760 Sextant Dr./Mariner Pointe #722 Sanibel, FL 33957 239 –395-0179

E-mail address: <richarddweiss@aoi.com>

September 4, 2006

Pete Milam
Project Manager
U. S. Corps of Engineers
Jacksonville District
701 San Marco Blvd.
Jacksonville, FL 32207

**REGARDING:** 

Lake Okeechobee Water Releases

Dear Mr. Milam:

I am writing to you regarding the damage occurring to the estuaries in SW Florida. As officials banter back and forth, the problem not only continues but also intensifies. I don't have to tell you how important the estuaries are for wildlife perpetuation and consequently the tourist trade in SW FL.

In reading a variety of published articles/reports about the occurrence of red tide and its poisonous byproduct brevetoxin, it becomes abundantly clear that a multitude of environmental factors are at play. A critical, delicate balance exists even without extraneous influences. It appears that excessive releases of nutrient-laden water from Lake Okeechobee are the major factor in this complex problem. To be sure, all environmental factors are interrelated but this man-made influence tips the scales.

It is apparent that the *K. brevis*, which has always been present in the waters, is producing toxic blooms that are stronger, occur more frequently, last longer and are more wide spread than in the past. If this trend continues, it will undoubtedly adversely affect not only the wildlife, but also the economies of the FL coastal and island communities.

We can not continue to thumb our noses at the various scientific studies and continue to follow more politically expedient policies. I'm afraid that agribusiness has influenced policy through its abundant lobbying dollars. Unfortunately, Florida's flora and fauna don't have a vote. The U. S. Army Corps of Engineers needs to more thoroughly consider not only the short term results of its practices, but more importantly the long term effect of current "dumping" policies on the coastal ecology of FL.

In an <u>Audubon</u> article a Corps spokesperson predicted that if it (the Corps) could mimic the original hydrology, which it felt confident that it could, the biology would follow. He said, "That the entire South Florida ecosystem, including the Everglades, will become healthy...the numbers of animals...crayfish, minnows, sunfish, frogs, alligators, herons, ibis and others...at virtually all levels in the aquatic food chain will markedly increase."

It's obvious that the Corps using their designed policy has not been able to achieve its goals. It's time to change direction and use more scientifically based models in trying to balance the water levels of Lake Okeechobee, achieve the hydration of the Everglades and preserve the estuaries of the coastal areas that are affected. It is imperative that the Corps and scientific community work together to solve this complex problem. It goes without saying that we must base any possible solutions to the problem on current available scientific data and not on out-dated supporting information.

That brings me to the Lake Okeechobee "regulated" discharges with their highly nutritious fresh water affluence. This one variable factor can easily act as THE causative factor in upsetting the very fragile ecological balance of the coastal estuaries. We do have some control over these discharges, as to how many, where they are directed and the concentration of dissolved nutrients. Policy makers need to be more acutely sensitive to how the current practices impact the ecology of the estuaries.

I am confident that those who make policy and those who are now questioning the accuracy of that policy ultimately seek the same outcome. In your capacity, please do what you can to balance a flawed policy before it causes irretrievable damage to our estuaries. There is too much at stake to gloss it over in stubborn defiance rather than employing reason and logic every step of the way.

Y

Richard D. Weiss/President

Mariner Pointe Condominium Association Board

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, Florida 32207

Dear Mr. Milam:

As a property owner on Sanibel Island, I am writing to you, to urge you to stop the water releases from Lake Okeechobee from destroying our wetlands and waterways. We have such a beautiful island, which is a big tourist attraction, and to see it ruined by red tides, etc. breaks my heart.

I love this place, and I want everyone who comes here to love it too, but you are taking it away from us. Please help us to keep it beautiful for everyone to enjoy.

Very truly yours,

Ann Marie Sprotte

am Mari Spotta

ANN MARIE SPROTTE 9-15-06 737 EAST GULF DRIVE, A4 SANIBEL, FLORIDA 33957 addressed

l live, work and invest in Southwest Florida. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

SEP 1 4 2006

Recognize the damage already done to SWFL by your previous releases
Prevent water releases that exceed your own biologists' recommendations

Base decisions on current wet cycle data—not outdated data

 More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

Dear Sir. What in the world are you doing to Lake cheedobe the Everglades, the Coloosahatchee River suptem, the bouth West Phorida beaches, the San Carlos Bay, Pine Bland Sound and Day Darling N.W.R. It is my understanding, that 10 billion Dollars have been outhorised to restore the Everglades Why that project not moones forward. It would help to work the releases of lake O water into the rivers! You need to find a solution to stop the distrection of our environment now what you are proposing will not do the Job. Glutshehm

9/11/06 M. Dennis Duke, P.E. Dear Sir, I have mailed an original of the above openion to the P. Hilam, Us Army wyps of Engineers. I ask you to take charge of this Problem at Sahe Oberchober. My doctor told me Thave only a few years of life expectancy left and I rould care or should care less what papers to L. O. but I do and I care deeply what happens to Our environment around Sanibel and the WORLD. & please use your in fluence and training and come up with a réasonable solution as soon as possible; the environment does not have much time left

to correct the many blunders humans have

inflicted on it. Please, get beisg and do what you

were sired to do. Suncerely Lectos Reile

Lovernor Bush, Florida cannot afford to continue with the army Corps of Engineer's plan of releasing water from Kake O Keechobel into the Caloosahatchee Kiver. The healthy ecology of West Florida's blackes, estuaries, rivers, bay and wildlife habitats is what draws people to the West Coast - the townists who are birders, fishermen, sun seekers, etc. They, as well as the residents, are depended upon to beep Florida's economy vital. If we spoint our waters, they will not come! Statistic show this on Sanibel Island The sugar industry has to help with the problem of Lake Okerchober. We connot undo the mistakes of the past, and the poor decisions, but we can correct them, + correct them The healthy ecology of Florida is much more important to Florida's future than the powerful + politically influencing sugar industry! Thank you,

### Fredrick and Rosemarie Nye 783 Limpet Drive Sanible, FL 33957

September 11, 2006

Pete Milam, Project Manager US Army Corps of Engineers 701 San Marco Road Jacksonville, FL 33440

Dear Mr. Milam:

I have not written on the subject of releasing water from Lake Okeechobee into the Caloosahatchee River before, although my wife and I have been very concerned; the timing now seems critical. We moved to SW Florida several years ago and live here full-time on Sanibel Island. We are investors and have stared a business in Ft. Myers that is building affordable housing and commercial buildings in addition to being active real estate investors personally in restoring canal front properties throughout the area.

The chain of events and linkages between our economy and the Caloosahatchee estuary needs to be better understood and appreciated as a serious issue. Carla Johnson put it very well in connecting sea grasses and fish spawning all the way through the process of fishing, commercial fishing, reduced bird population, impact on sw florida lifestyle, reduced tourism, impact on the real estate market and real estate development and a negative impact on our overall economy. Our primary economic base is related to this; something I can clearly see as a full-time resident and business investor. In addition to direct economic harm a very negative impact on the overall quality of life for families throughout the area results.

I am asking you for a modification of the TSP plan on an interim basis to protect both the dike and the estuary until there is general agreement as to the possible compromise agreements that can protect the majority of interests of the most critical parties to this issue.

I ask that you: understand that SW Florida has already sustained damage from earlier releases (direct observation substantiates this throughout the chain mentioned above from fishing guides through business impacts - these are not hearsay problems); prevent releases that exceed your biologists recommendations; base decisions on current wet cycle data, not outdated data; and establish an equitable plan for releases in mutiple directions - not forcing the Caloosahatchee to take the biggest hit. Considering the history of inlfows and outflows before the Caloosahatchee was a big factor, the natural processes involved were able to filter out much of the harmful properties that impact our estuary when directly released in large quantities.

Suggestion: I have not read of a varying TSP based on forecasted "wet/dry" years. Would it be possible to establish a release schedule that has variable adjustments throughout the entire plan and elements including lake levels, storage options, with saftey valves including increased releases to all entities including fields for the most extreme cases?

Since we will not be in the state for the public comment period, I wanted to put our thoughts down as concerned citizens of the area. Thank you inadvance for consideration of our comments.

Sincerely

Rick & Dee Dee Nye

### MR Pete Milam, project manager U.S. Army Corps of Engineers

The present policy of water management in dumping water into the CALOOSIHATCHIE is ruining one of the most important estuaries PINE ISLAND SOUND. This great habitat is a nursery for many species including the endangered Manatee. I have fished it for ten years and 1905 was disastrous. In stead of catching and releasing fifty trout a day, the whole season only brought one or two trout a day. The sea grass habitat was totally destroyed!! An alternative water flow must be instituted immediately to preserve what little life that remains.

David W. Parmelee

1170 Sand Castle Road Sanibel, Florida 33957

Phone 239-395-3195

To Whom it may concern;

My name is Robert Paxton. I worked for over 40 years in the sand and stone business, in michigan. I retired three years ago. I have been following your problems with Lake Okeechobee and hope my ideas will help you.

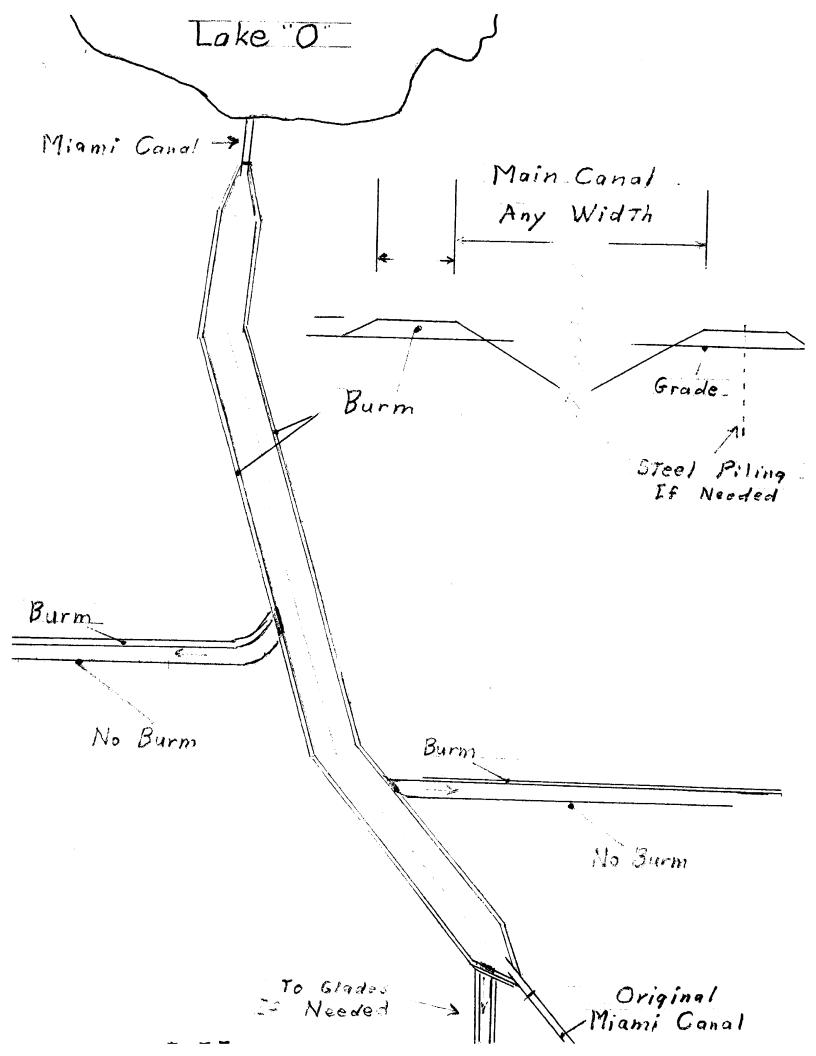
A Concerned Citizen,
Robert Paxton
Phone #239-495-0960

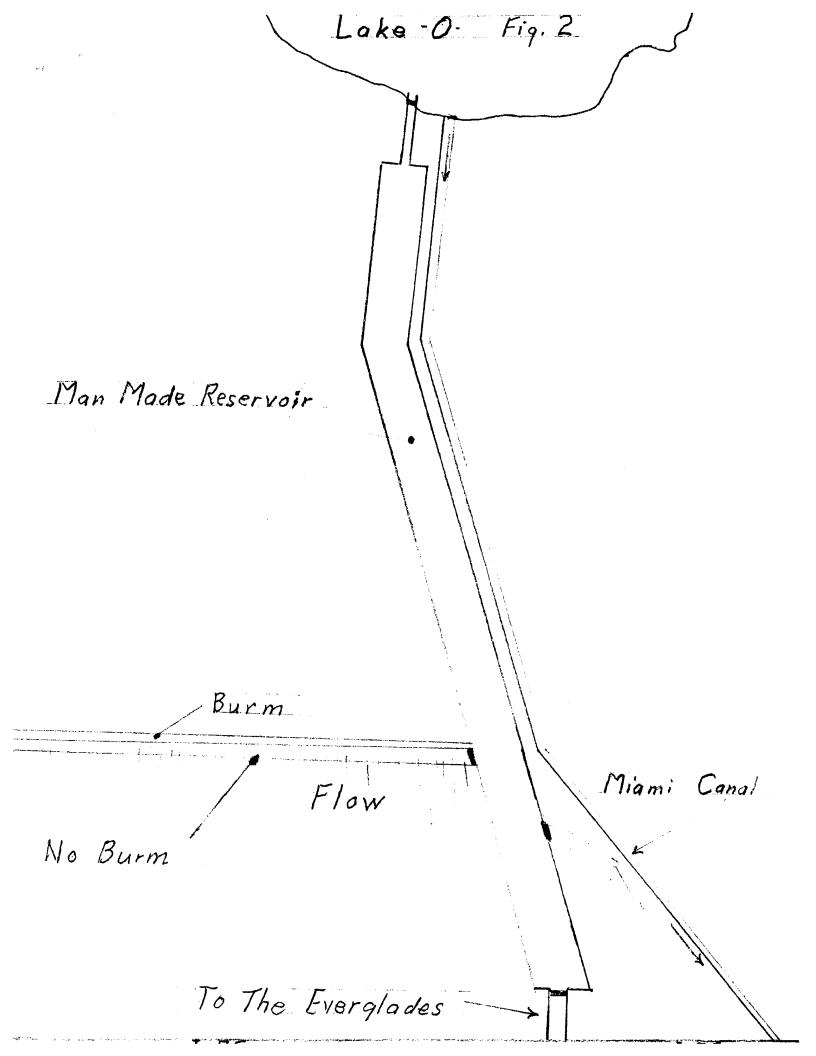
The Miami Canal----see figure#1

Would there be any problem with using the Miami Canal, for Lake Okeechobee, swater storage. By digging deeper and much wider, deepening on volume needed, maybe 1/2 to 3/4 mile wide. Burm on sides could be any heigth for storage needed. The Canal Storage continues thru the agricultural area. At that point there would be Lateral Canals built east and west for as many miles as possible. These canals would have a dike on the north side, none on the south side to allow flow in the glades and river of grass. At the far south end of the reservoir, a canal could go straight South under I-75 to the glades. All inlets and outletsto the reservoir would have control gates. A reservoir with water flowing the full length, should not get stagnent. The burms should not leek, if the material is compacted good, with no vegetation or muck. If years from now there is a problem, steel pilings could be put in the center of the dikes.

For that reason no rock should be put in the center lines of dikes. Farming could pump into the reservoir in wet times and pump or syphon out for irrigation, but no open cuts.

If the Miami Canal could not be used for a reservoir, one could be built paralel to the canal on the west side. See figure 2





To: Pete Milam Project mgs

From: Charles G. Roach, Jr.

525 N. Yachtsman Dr., Sanibel, FL

chip.roach@prufoxroach.com; 239 472 1342

RE: Lake Okeechobee releases into the estuaries on the east and west coasts of Florida - the Caloosahatchee and St. Lucie Rivers.

9/3/06

I have bought 3 properties since 2004 in Sanibel Island, Florida for my personal enjoyment and for long term investment.

Two of these properties are located on the coast; one directly on the Gulf of Mexico and one on San Carlos Bay near the Sanibel Causeway.

I am a real estate broker with 40 years experience in the market around Philadelphia, PA/NJ/DE and have owned waterfront property for 20 years in New Jersey on a barrier island bay.

Since coming to the Florida area as a homeowner and investor, I have been distressed to see the process of decision-making by Federal and State agencies and by elected officials regarding the releases of Lake water into the estuary here. I have become aware through personal visits of the same kind of distress felt by waterfront residents of barrier islands and the mainland communities around the St. Lucie River area on the east coast of the state.

I am writing to appeal to you as a public official to recognize the damage done to these estuaries by the Lake releases and to balance this damage to ecology, property and business interests with the management of the dike around the Lake and the safety of residents there. The estuary damage is real and important...in a way that is not being recognized by the current schedule of releases in the Army Corps 2007-2010 plans.

Some of the releases in this schedule exceed the recommendations of your own biologists. They are also being calculated using data that is not useful or the most current available to you and other professionals.

There should be a more even-handed distribution of planned releases; taking into account the fact that the proposed 2007-2010 plans call for a considerable burden being borne by the Caloosahatchee estuary and by Sanibel Island; directly in its path and at the threshold of my home.

Thank you for your attention to this comment.

Spring Rosen

DEAR MR. MILAY 
AS A 14 YEAR RESIDENT OF

SANIBEL ISLAND I KNOW NO VOR FOLL

AS CHSCOULAGED AS I do NOT GAZING

OUT OVER THE BROWN, ILOJE ELLOW WHAP

HAT SIRROUXXS OUR FORE TO DAY, They

HATE IN FAMILY PROSENCE OF ENTEROUSES

BY FROIT IN THE WATER AS YELL

PLEASE, I ENPLOSE YOU FALL THE

PLEASE, I ENPLOSE YOU FALL THE

DAY'S ANT CS PARCIES LEGE AS YELL AS

ST. Lucie AND PROJECT HE REGISTERS

Liver of the water and surely of all of these copyrishes add the surele and surely of the all of these copyrishes add the free water ways. There is always a way to decomption this is you involve the best and the Spillest in the solution process. Please help us all!

Sincred;—

Spains Roser

El & Dottie Mascenii 10703 Pearl Bay Circl. Estero, FL 33928-2482

Mr. Pete Milam My Wife and I moved to Estero in Lee County 3 year ago and as and arid Beach goers two or three times We We expected Pristere Beaches and Crystal Clear Gulf Water Instead, we got Red tide and the smell of dead fish rotting on the beach and The by product of poor air qua which Causes Coughn's and respratory problems. at stake here is the surrwal of our tourism, and Marine life and wild life refuge I complore the army Corps enfiniers Please do-not release any more Polited War from Lake Okeechobee,

From: postmaster@comcast.net (Webmail Postmaster)

To: dfmsanibelsax@comcast.net

Subject: Returned mail: User unknown Date: Tue, 12 Sap 2006 20:26:44 +0000

The following addresses had fatal errors:

www.mysanibel.com: 501 need user@domain at <www.mysanibel.com> www. probably

incorrect

WARNING! Attached message is truncated.

### Attached Message

From: dfmsanibelsax@comcast.net [Save Address] To: publicmail.cesaj-cc@saj02.usace.army.mil Cc: www.mysanibel.com

Subject: Water Release from Lake Okeechobee Date: Tue, 12 Sep 2006 20:26:42 +0000

Sout & reco 9-12-06 and) for 40 years. I

I have lived and worked in Southwest Florida (Sanibel Island) for 40 years. I have invested years of tax dollars volunteer work plus my own funds both in businesses here as well as charities. I am asking you to modify your plan 2007 -2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee and its estuary. YOUR job is to PROTECT both the lake dike AND the estuary. PLEASE: \*Recognize the damage already done to Southwest Florida by your previous releases. \*Prevent water releases that exceed your own biologist's recommendations. \*Base decisions on current wet cycle data --NOT outdated data. \*More equitable plan for discharges in multiple directions -not forcing the Caloosahatchee to take the biggest hit. \*In the mean time, "IT COSTS NOTHING TO STOP FLUSHING!" \*\*\* & nbsp; Donald F. Modrall 729 Anchor Drive Sanibel, Fla. 33957 dfmsanibelsax@comcast.net (239) \*\*\* (c) Donald F. Modrall, 2005. 472-1163

[ Back ]

### TIMOTHY S. McCarthy

09 September 2006

U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Blvd.
Jacksonville FL 32207-8175

Attention:

Pete Milam

Project Manager

Subject:

Lake Okeechobee Water Releases

Dear Mr. Milam:

I am a condominium owner on Sanibel Island. During the past year, rental activity has decreased and health issues have increased as gobs of muck - algae and dead fish - accumulate on our world famous sand beaches. The reason: Lake Okeechobee water releases are ruining our estuaries and creating this situation. We anticipate that property values and island business will soon begin to decline as a direct result of this condition.

The Army Corps of Engineers has proposed a solution. Unfortunately their solution will make the situation worse. The solution focuses on the preservation of the dike around the Lake. We agree that the dike must be preserved for the 40,000 residents of that area. But the solution must also address the millions of people that live on the East and West Coasts where the nutrient rich lake water is being released, causing so much damage in so many ways. Under the Corps' proposed solution, flow rate will be greater than it is now and exceed the Corps biologists' own recommendations. This will make our situation worse than it is now! The data used to formulate their recommendation was taken prior to 2000 and, therefore, does not recognize and address current conditions.

While most of Florida holds many charms, our coastal communities are the where much of the new growth is occurring and where property tax rates are generally highest, clearly funding needs throughout the state. We would urge you to join us in preserving the charm and viability of our coastal communities and demand a solution from the Corps that addresses our estuaries as well as the dike.

In advance, thank you for your thoughtful consideration of this matter.

Sincerely.

Րimothy 🖋. McCarthy

September 5, 2006
Project Manager, Pete Milam
U.S. Army Corps of Engineers, Jacksonville, District
701 San Marco Blvd.
Jacksonville, FL32207-8174

Maryant Lublin

The solution that your organization has proposed for Lake Okeechobee water release problems will cause great damage to much of Florida's coastal areas. We own a home on Sanibel Island and have already been impacted this past year by gobs of muck, algae and dead fish that have been directly attributed to water releases from Lake Okeechobee This is ruining our beautiful island and especially our estuaries.

Under the proposed solution, flow rate will be greater than it is now and exceeds the Corps biologist's own recommendations. We urge you to find a solution that addresses our estuaries as well as the dike.

Sincerely,

Margaret Lieblein

Robert Lieblein 1250 Tennisplace E24

Sanibel, FL 33957

10: PER Milan US Army Corp Eng. Release Plan Comments on Lake O Release Plan You support Jeb Bush 11.50, this Lake O legacy, who will havet him, and Those who are not truly objective, This sums up my brews! I live, work and invest in Southwest Florida. I ask you to modify your plan 2007 -2010 Lake O release schedule to meet your protect the objectives and Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please: Recognize the damage already done to Southwest Florida by your previous releases Prevent water releases that exceed your own biologists' recommendations Base decisions on current wet cycel data - not outdated data More equitable plan for discharges in multiple directions - not forcing the Caloosahatchee River to take the biggest hit ) iv, work & invest here 1 will no longer consider buy que property on Son Coslos buy Steve Ma Carnen 1037 S. 40. hts mon.

Janibel, FL 33957

Week of September 8 - September 14, 2006

### **ISLANDER**

# ake O impacts on commercial fishing

mercial fisheing industry about the impacts of the poor water quality. Cooperative Extension Service collected some reports from a few of the leaders in the com-Last November, Bob Wasne, a Florida Sea Grant Marine Agent with the Lee County

the following information was collected at that time, when poor water quality was November 2005 was immediately after two years of heavy summer rains --- and conse

directly affecting those involved.

vey (see hox below). Wasno is now working with the Sanibel-Captiva Conservation Foundation on a new sur-

### Commercial Fisherman report November 14, 2005

- Wilma, crabbers were doing "OK" until Immediately out of the river. Lake O water releases. Crabs were swept following Hurricane
- river between Dape Coral and Mid-Point Hurricane Wilma stirred up sediments in Bridges, burying traps in 18" of silt/mud
- catfish in traps. Increases labor to Water quality has been bad enough to kill remove.
- hour. sive. Costs are 40 man-hours at \$15 per aquatic plant) each week. Labor intenwashed to remove hydrilla (freshwater that traps must be pulled and pressure An operation in St. James City reports
- Caloosahatchee River 8 local crabbers work the
- crabs in Sept./Oct. This year he only pro-\$35 - **\$45** per dozen. duced 140 dozen softshell crabs Typical year: 800 - 1200 dozen softshell Processors, such as his facility, receive

North Fort Myers John Smith Seafood, Inc. John Smith, owner

Impact: Business down by 80%

- All Mr. Kibbe's clams are farmed in Pine Island Sound
- When salinity drops below 17 part per thousand )ppt), all seed clams die. Salinity less than 13 ppt, adult clams die-off.
- million seed clams to be harvested For Mr. Kibbe's farm site: He plants 35 His 2005 return has been approximately approximately one year later. His expectations are between 70% to 50% return...
- Mr. Kibbe had 52 employes in August 2004. He now employs 2.
- ing the Pine Island site. There are 10 clammer operations work

St. James City Kibbe and Company Clam Roy Kibbe, owner Farmers, Inc.

Impact: Business down by 95%

### Commercial net fishermen

and operates a fish processing facility in St commercial netters as he employes netters Mr. Kibbe spoke to be on behalf of the

- Mr. Kibbe's operation processes an averan avergage of less than 1,000 pounds age of 1,000 to 10,000 pounds of fish per week. His last 6 weeks of operation saw
- There are 35 45 commercial netters in

Lee County.
Mr. Kibbe employed 15 netters in 2004. He now employs 3.

Impact: Business down by 90%

### **Bait shrimpers**

- Had to buy shrimp from Port Richey slight as he owns his bait shrimping vesoperation for 4 months. Losses were sel and saved labor costs.
- Island Sound area There are 20 bait shrimpers in Pine
- idated. Heavily fished by baiters.
  Mr. Woodring related instances to me Claims that seagrass meadows are dying and shrimping grounds are being consol-
- rather than buy different natural bait. his bait shop, customers went home that when he had no shrimp available in
- with customers not showing up in numtide had greater impact on his business Suggests that low water quality and red

The Bait Box, Sanibel Ralph Woodring, owner

# Professional fishing guide service

- Captain Dunn spoke on behalf of LCPFGA
- Most guides are picking up clients at the Punta Rassa boat ramp. They need to run to Marker 37 (Redfish Pass) to pick up

## www.breezenewspapers.com

extra \$85 - \$100 per day. clients, then travel back to north Island Sound to fish. Fuel is exsting beit, return to Punta Rassa to pict

- water released from the river Bait will die if vessel travels three
- in lower Pine Island Sound to the San netter) reported catching alligator Several fishermen (and 1 commer fish and blue gills (both freshwater t
- LCPFGA guides have withdrawn f fishing to seek alternative employmen Approximately 15% (65 members)
- Deep sea fishing guides are going 35 miles offshore to find fish. Fuel costs up to \$350 for single day trip.
- It should be noted that the national doors magazine Field and Stream ranked Pine Island Sound as one of "Top 25 Best Fishing in North Ameri

Fishing Guides Association Tugger II Charter Co. Lee County Professional Captain Skip Dunn

Impact: Business down by 15% - 50%

# San Carlos Island shrimp fleet

The San Carlos Island shrimp fleet by the freshwater releases. deep offshore waters and are not affect

"Any commercial folks that would like to participate can contact Rac A Wessel at SCCF. Her contact number is 246-0100 or 731-7559." to create a new survey of Lee County commercial fishermen. He notes th Wasno is now working with the Sanibel-Captiva Conservation Foundati

Surlay

US Army Corp of Engineers,

I'm serding this letter about ted Tide. de never had it when I first moved in but it is touble now - I never somet in the summer. but the ey I lived or a deal end with a -cut out - It had one body or top of another of leadfish - you couldn't set out on lovai Orlgain the peol, Beach woolnd also - I had a very strong granddaufter. that could get air also - In in good health but it gove me pair in ny upper det. Something needs to be done about this big publism. De are killing fish o people.

Sircharly,

Harry LeDuca 1006 Lindgrer Blud Smilel, F1.33957

Musikenet 1134 Hally Lp Musiker, In

PAT NO Due - 899 S Plymouth CI-Characo 71.

16 90 meson 350 meson 15

Arthur Leman 760 Sextant Dr #413 Sanibel, Fla 33957

September 15, 2006

Pete Milam project Myr.
US. Cermy Corps of Engineers
701 fan marco Blod Jacksonville, Fla 37207

Dear Mr Milan. I object to the operhope Supe water release polutions to water water of fam Carlor bay, when you release water form operhope Sage the nater of fam Carlor Bay turn browns The poluted water are destroying the excellent fishing which we used to have he can not swim when the water release tapes place and it idestroying our tourist trale,

The schedule And direction of water releases must be revised. for may be bulking the farmers but you are distroying the vital tourist trade in our area.

Please do something to change the setuation Thank form Unthur fernan 5000

chance Age 7 grad 2

Sina

FORT MYERS FL 339

25 SEP 2006 PM 4 T

いののうなもれてい

Mike and Alice Jeromin 213 Daniel Dr. Sanibel, FL 33957

September 21, 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Dear Sir:

Re: Lake Okeechobee Regulation Schedule Study

We are owners of a home on Sanibel Island. We have read with increasing concern about the Corps of Engineers' proposed plan to manage Lake Okeechobee water releases from 2007-2010 known as the Lake Okeechobee Regulation Schedule Study. It is our fear that the proposed plan is worse than the plan used by the Corps the last few years, which has produced an unmitigated disaster for the Caloosahatchee estuary and Lee County, including Sanibel and its neighbor, Captiva Island.

The economy of Lee County is built on tourists and real estate development, businesses that require an ever growing number of people coming to the area. Water releases by the Corps from Lake Okeechobee into the Caloosahatchee River have killed roughly 70% of the sea grasses in the estuary. Sea grasses are the area's fish hatcheries; it's where fish spawn. Without fish there are no fishermen or birds. Without birds and fish there are no tourists, and population growth is replaced by population decline. Without more tourists and a growing number of people the tourist and real estate industry implodes and, with them, the economy of Lee County. Recent past Corps water releases have threatened the economy of Lee County and the proposed plan for 2007-2010, we fear, will be its undoing.

With that as background, here are our comments on the Lake Okeechobee Regulation Schedule Study.

First and foremost, the proposed plan must be changed to force the water managers to keep releases within their own (the Corps) biologists' accepted limits, which is something the "tentatively selected plan" fails to do. In fact, experts say that it will be worse for Caloosahatchee estuary than the current plan.

It is reprehensible to release into the environment from Lake Okeechobee quantities of water in excess of what biologists say is the limit the estuary can handle. The "tentatively selected plan" must be changed by addition of a mandate that the water managers must not exceed biologists' ceiling for releases. Biologists have determined the estuary can take up to 2,800 cubic-feet-persecond (cfs) from Lake Okeechobee during the wet season, and down to somewhere between 600 cfs and 800 cfs during the dry season. If more than that is released, then you are putting too much fresh water, too full of nutrients and too polluted into a salt-water estuary. The "tentatively selected plan" ignores the biologists' advice and permits far greater water releases. It should be brought into line with the biologists' advice – which, as you probably can guess, comes back to sea grasses.

Second, the Corps' model used in the proposed plan can be much better. The reason there is a problem now is because the Corps has been using data that fails to take into account the methodology that meteorologists use, which says that you have roughly 30 years of a dry cycle and a 30-year wet period. Lee County is now about two or three years into a new wet cycle. The Corps' model was updated to go through the year 2000, which means it is not up to date. To bring it up to date, data through 2005 needs to be added. That will confirm the change from one cycle to the other has happened, and it needs to be taken into account by change in the "tentatively selected plan."

Next, the Corps' proposed plan is much too lenient – it confers too much discretion upon the water managers. In fact, it has things turned around. It now contains too much opportunity for the water managers to just decide, depending upon what a couple of staffers or whoever influences them happen to think at the time, when to release water. They should only be allowed to release water from Lake Okeechobee, if they ever release excessive water, at times when there is a severe problem with the Lake.

The objective should be to manage the Lake down to the lowest possible level. Concerns about that from the water supply people (agriculture and the cities in Southeast Florida who get water from the Lake) have been addressed by the South Florida Water Management District, which has agreed to purchase and install forward pumps that will make it possible to meet the water supply needs of these people with the Lake at a lower level. There should be no reason not to be able to operate the Lake with some precision at a lower level year-round and to keep ongoing releases lower level and <a href="multi-directional">multi-directional</a>. Releases need to go south and east as well as west. The Corps' presently proposed plan contains none of this. It should contain all of it. The fact is that the Corps' "tentatively selected plan" will inflict great damage on the people of Southwest Florida in order to assure their easterly neighbors of adequate water supplies. It makes no allowance whatsoever for the protection provided them in this regard by the planned forward pumps and fails to fairly spread the pain available through multi-directional releases. These deficiencies should be corrected.

Further, the Corps' proposed plan needs to include provision and allowances for use of the c. 450,000 acre-feet of water storage already owned or leased by the South Florida Water Management District. This storage capacity needs to be connected to the Lake, and used in management of its level and water releases. The Corps could purchase or lease this storage capacity from the District. The regulation schedule should be amended to take this fact into effect.

In conclusion, we believe the Corps' presently proposed plan threatens destruction of the economy of Southwest Florida, and respectfully ask that it be amended as suggested in these comments.

Sincerely,

Michail E. Juin

6014 White Heron Lane Sanibel, FL 33957 September 10, 2006

Mr. Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Dear Sir:

What is the current process for dealing with contaminated water regardless of its source? It is cleaned up to whatever condition is necessary to make it available for a discharge that is safe for our environment.

This logic gets to be lost with the U.S.Army Corps of Engineers in dealing with the negative quality of water expected to continuously being dumped into our river systems and elsewhere. New water treatment plants capable of providing us with acceptable water appears to have been skipped.

Why has money been directed from new water treatment facilities that could supply impoundments or rivers with water compatible to our environment, to mini reservoirs that are set to hold and release contaminated water?

Any agriculture back pumping and any sick water releases from Lake Okeechobee are not to be tolerated. Raising the water levels at this time has to be an option even if dike reinforcement becomes necessary. This positive action in water management by the Corps of Engineers must be initiated now.

Yours truly, Version T. Frankwich

Vernon T. Frankwich

Ce: Mayor Carla Johnston Sanibel City Council Project Manager Pete Milam U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, FL 32207-8175

Regarding: Lake Okeechobee Water Releases

Dear Mr. Milam:

We are property owners on beautiful Sanibel Island and are concerned with recent algae and dead fish accumulations on our world famous beaches. We are also concerned with the negative impact on tourism as people are becoming aware of our estuaries and coast line being ruined by nutrient rich water releases from Lake Okeechobee.

We urge the Army Corps of Engineers to find a solution that addresses our estuaries as well as the preservation of the dike around Lake Okeechobee.

Sincerely,

Weller and Mary Gale See

429 East Gulf Drive Sanibel, FL. 33957 Project Manager, U.S. Corps of Engineer 701 SAN MARCO Bluck
TACKSOUVILLE, FL. 32207-1875

Sambel, Florida Sept. 25, 2006

Re: TSP-LAKe O Keechobee

Please listen to Us who live clownstream of Lake Okeechobee and amend
this plan to limit releases to the
Calooshatchee River to 2,800 cfs or less.
Vive watched the degradation of our
Ecological system since I moved to
Sambelin 1999, and the excessive fresh
Water releases with all it carries
have been the Major eause of this
clamage.

We need help now - This condition cannot continue and the solution is in your hands. Please do the right thing,

Jacqueline 5. GRIFFITH

2668 Cocont DR

Sandol, FL. 33957

Project Mausor Pote Milaus U.S. Army Corps of Engineers 701 SAM MARCO Blud TACKSCHUILLE, FL 32207-1875

SEPT. 24, 2006 SAMIBEL, FL. 3395;

Re: TSP-LAKe O Keechobee,

As A Sambel resident, I'm writing to Ask you to reconsider your TSP of water relases for Lake Okeechokee And stick to the MAXIMUM release OF 2,800 cfs to the Caloosabitchee River. Your plan of releases of 6,500 cfs whenever the LAKe level exceeds 14.9 fact could be very clarastating to our whole Pine Island found ecosystem. We have Alverdy been witness to A serious deteriation (numerous fish Kills, Algen blooms, SeA grass clestruction & overall marine life clacking) in the SIX years we have liked in Sambel. Affermate solutions must be tound. Suchas; necalculating the Acceptable maximum level of Lake Obased I initing the CAloophutches releases to A MAXIMUM OF 2,800cfs
Thank you for your Consideration

> James M. GRIFFITH 2668 COCONST DR SANIBOL, FL. 33757

September 13, 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd Jacksonville, FL 32207

Re: Lake Okeechobee Water Releases

Dear Mr. Milam:

We would like our concerns and comments included in consideration of the proposed plan to manage Lake Okeechobee water releases for 2007-2010. The proposed plan is not an integrated plan to deal with the impact that these releases are having on other ecological systems in the State of Florida including Sanibel Island.

When considering water management systems that impact so many it is important that you don't just make a problem larger, more widespread and transferred to more ecosystems down the river.

Please change the proposed plan to keep the releases from Lake Okeechobee within accepted limits, which will not just move the problem downstream.

Sincerely,

David & Nancy Gurney

639 Donax

Sanibel, FL 33957

Dear Pete

I want you to know I feel on Strongly about the water releases from take O Kerchober. I believe the proposed plan, Loke Okrechober Regulation Schedule Study, must be Changed to per releases within your biologists' accepted limits. I am a homeowner and long time resident of Fanibel and am also a Florida resident. The waters around sanited and along the gulf coast need to be health to maintain the ledogical belance exern Isluaries and wetlander. Please do not piet our marine life. He recelts would be devestating to quifforst and San; but residents and to insitered and will have a lasting impact on the Flaida econormy and the natural because of this Conique area. Pleasehilp us protect our Waters, our preparty values and our Wares, our preparty values and one SE. Flaida.

Thankyow for taking the time to hear what i our concerns one and making the critical changes to save our readors and wildlige.

Sincerely, May Faegre

MARY FAEGRE 16 MOONLIGHT BAY STRLWATER, MM 56062-6239 ST PAUL MM 551

8429 SER 2006 PM 3 L



Pete Milam, Project Manager U.S. Army Corps of Engineers 70 I San Marco Blyd. Jackson Ville, Fla. 541 Lake Murex Circle Sanibel, Florida 33957 September 8, 2006

Mr. Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

### Dear Mr. Milam:

As you know, Sanibel residents are devastated by the deterioration in our water and air quality caused by excessive fresh water releases from Lake Okeechobee. In 2005, 70 percent of sea grasses, on which our fish and wildlife depend, died and will be years recovering. If the excessive freshwater releases continue, the sea grasses may never recover.

Red tide and black water from excessive nutrients in the water (not really a disputed point) are destroying our quality of life; they're also threatening millions of dollars of property values and business revenues. This is not a new issue. In 2003, the Naples Daily News published a remarkable series entitled, *Gulf in Peril*, in which the increasing problems of red tide and black water were shown and explained.

We are asking now for one immediate remedy not provided by LORSS or your Acceler-8 program:

The Army Corps of Engineers should the limit releases of fresh water from Lake Okeechobee to the Caloosahatchee River to the safe amount of no more than 2,800 cubic feet per second during the wet season, and down to between 600 to 800 cubic feet per second during the dry season.

You and others have seen pictures of the devastation wreaked on the waters surrounding our island and on the entire coast of southwest Florida. Our quality of life, Florida's tourism industry, and Florida's unique environment require that the Army Corps of Engineers and South Florida Water Management District protect our water now.

Very truly yours,

Susan Carter Attachment Barbara Cassavell

Sept 14, 2006

I am a resident of Sanibel, Florida,
3339 W. Mulf Dr.

as you are aware, the managing of Lake Obsechable: water releases is if great interest to me. I am very concerned about the effects proposed releases wiel have on our waters. Hindly reconsider your plans. Thank you. Backara Cassawell

B. Cassavell 3339 W. Guef Dr Sanibel, 71, 33957



Mr Pete Milam U.S. Cermy Corp of Engineers 701 San Marco Blud. Jacksonnielle, 7L. 32207

1310 Junonia St. Sanibel, Fl.33957 September,24 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd Jacksonville, Fl. 32207

Sir:

I am a resident of Sanibel. I am very strongly opposed to the present system of water management for Lake Okeechobee. The present system pollutes the waters in and around Sanibel to such a degree that it presents a health threat to the residents of Sanibel. The situation is now a colossal mess. It is intolerable to such a degree that I find I must write to you so that you can realize how much we are determined to have this situation corrected.

This past July I traversed the full length of the Lake Okeechobee waterway from Stuart to Fort Myers. The waterway is a polluted mess of black water and green scum

Any future plan of water management must address situation in a manner that will relieve the burden we have had to carry in our area. It is simply not fair to give preference to agricultural interests at the expense of our area, which has a valuable tourist industry that provides considerable revenues to the State of Florida and to the Federal Government. It is time to do the right thing.

Sincerely,

Thomas DeBenedictis, M.D.

1016 Fish Crow Rd. Sanibel, Fl. 33957 Sept.25, 2006

Pete Milan, Project Manager U. S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL. 33902 -1165

Dear Mr. Milan,

Please incorporate a plan for sufficient storage as you deal with the Coloosahatchee River problem. To avoid further damage to the estuaries future disbursement of water should be directed to the south of Lake Okeechobee and to the north, but not to the west.

As a concerned citizen of the area I ask the Army Corps of Engineers to act swiftly and decisively.

Thank you for your consideration of the matter.

Sincerely yours,

Winifred M. Donoghue

Winnie Dourghus

Allen Cougar Dunham PO Box 1142 Sanibel Island, FL 33957

Pete Milam, Project Manager US Army Corps of Engineers 701 San Marcos Blvd Jacksonville, FL 32207

RE: Public comment on the Tentatively Selected Plan for water releases from Lake Okeechobee

Mr. Milam and Corps;

I would like to add my input to the multitudes of opinions against the currently proposed release schedule and how it came to be chosen. Some of what I have to say you've already heard numerous times. That should indicate to you that those views are a consensus and therefore merit being repeated until they are properly taken into consideration.

First on that list are the now proven facts showing that estuary areas on both coasts have been pushed to the brink of ruin by years of poorly thought out releases. If no attempts to provide relief are put into action on a large scale and soon, these delicate ecosystems may not recover for many years, if ever. You will then have succeeded in destroying one environment to try and save another. At the very least, that is morally wrong and irresponsible to the public you serve.

Second, I would point out a very important and legitimate argument. It's a fact that the data used for the currently proposed plan is based on data from years where our weather pattern was very different from what it is now and is expected to be for some years to come. That certainly warrants rethinking the current plan.

Next I would have to say that the way the currently proposed release schedule came about as a result of the reports of the dike being in poor condition needs scrutiny and rethinking. It's a fact that a number of groups, big and small, from grassroots to the federal level, agreed on a water release plan, (1aS2), which could alleviate further damage to areas being ruined. Then, that plan was tossed aside in favor of one that was agreed upon by the same parties as one of the worst options. This sudden switch was all due to the reports that the Hoover Dike was in danger of breaking. That decision was also reportedly made by a single leader of the Corps with no input from anyone it might adversely affect. To this day I have never heard nor read anything that backs up the reports of imminent danger to the dike to the same extent that studies proving the releases are causing great harm to the rivers and estuaries do. In fact, one report stated later that the dike was not as bad off as first reported.

So it would seem a large decision was made in a moment of haste based on a single, questionable report. That should not override many studies that took months and years and are accepted as fact. It would thus appear that the alleged dike condition is simply a ploy and a scare tactic in order to allow the Corps an excuse to ignore all the data and pleas that supported plans beneficial to the areas who are facing ruination. And the fact a single person can make such dramatic decisions affecting so many, makes the Corps look bad at a time when the Corps is claming to be willing to listen to public input.

Another issue I want to address is that the Corps has never appeared to show much willingness to look harder at coming up with plans that spread out the water releases to the south. I, like most of the public in areas being ruined, cannot understand why and are not willing to accept that more effort is not exerted by

the Corps to find alternative plans for water releases to the south. There must be a number of possible options, especially with so many canals already in place. However, rarely does anyone see or hear any signs that the Corp bothers to look into any plans to send more water south. Now that you are aware other areas are being destroyed by overburdening them with heavy and polluted water releases, you have an obligation to the citizens and the environment to look at ways to spread out that burden to other areas.

Last, I would like to address the Corps usual excuse for not considering other communities and issues that are affected by decisions about Lake Okeechobee water releases. It is the often heard comment that your first priority is public safety. For years, that seems to only refer to the safety of those living near the lake. I ask you take a fresh, updated look, and realize that your decisions affect the public in other areas far from the lake. We deserve that same protection from the Corps. Water quality is not only an environmental issue, but it's also a health issue. As a healthy environment goes into decline, so too does the health and safety of the public who live in and depend on that environment.

In closing, I ask that you consider these thoughts about things that are fact, and about how citizens in damaged areas view decisions being made, as you come to a conclusion about how to manage water releases in the near and far future. The public living in areas reeling from worsening and unending water quality problems and the myriad of troubles associated with it need relief now. We need protection at this time much more than those living in the agricultural areas. Please reconsider the current plan and adopt one that better protects areas you have not protected before it is too late to save them. Also, in the future, please keep an open ear and eye on areas that are affected by decisions about Lake Okeechobee that have been ignored for too long in favor of those nearest to its banks. It is time to expand your protection and spread the burden more evenly.

Thank you for your attention,

Alle Cougar Dunha

Allen Cougar Dunham Sanibel Island, FL



# John E. Eichenlaub, M.D.

5801 Turban Court Fort Myers, FL 33908 (239) 433-9680

e-mail patjohn@shellpoint.net
The Doctor Spock of the adult world (Newsweek)

September 14, 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Road Jacksonville, FL 32207

Dear Mr. Milam:

May I point our two traps involved in the Lake O-Caloosahatchee release controversy?

First, the "invisible statistic" thing. For years the Food & Drug Administration people withheld approval from drugs that could have saved thousands of lives for fear of possible drug reactions. The drug reactions would make headlines while the lives that could have been saved by prohibited medications didn't show up in any mortality table. It took years of effort (by me and by others) to get a more rational policy established. The parallel with headline-warranting Dyke rupture vs. gradual un-newsworthy ecologic damage is obvious.

Second, the my money vs. someone else's money thing. I remember when hot mix or cold mix was offered in paving a neighborhood's streets. The ultimate cost of hot mix was much less, but that came out of property assessments (MY MONEY to the homeowner) while only the lower cost of installation was assessed for cold mix, the high maintenance coming our of the city budget. Only one out of forty households went for hot mix.

Here the actual issue isn't lives saved --- improved surveillance and emergency repairs should make this risk negligible. But it's YOUR money (for that surveillance) vs. SOMEONE ELSE'S (for the lost tourist trade, ruined crabbing, erodes home values etc. Only all of it is really OUR money! Perhaps you need increased appropriations, but to let irreparable damage to our ecology to occur for lack of really modest extra amounts just doesn't make sense.

Sincerely,

John E. Eichenlaub

Robert H. Eidsvold #333, 200 Periwinkle Way Sanibel, FL 33957 September 18, 2006

Mr. Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd Jacksonville, FL 32207

Dear Mr. Milam:

RE: Lake Okeechobee Water Release

As a resident of Sanibel and observer of the visible deterioration of the water quality in the Southwest Florida area, I am joining the many other citizens who share my concerns that continued releases of excess polluted fresh water through the Caloosahatchee waterway will do irreparable harm to a very sensitive environment.

What sometimes appears to me to be lost in all the discussion is the obvious increase in pollutants, and probably water volume, upstream from Okeechobee since it was first designed and built as a substitute to nature's drainage through the Everglades. As an example, as a newly built hotel in the Orlando area drains its gray water from the added bathrooms and laundry facilities, its discharges eventually end up in Okeechobee and then to the Caloosahatchee. In draining the Everglades many years ago and diverting the water to the Caloosahatchee (and St. Lucie) Rivers, it seems obvious that the growth in central Florida could not have been imagined or factored into today's water discharges. For us to just continue to expand the water discharge through the Caloosahatchee beyond what biologists calculate as a tolerable level (2800 cubic feet per second at wet season high level and 600-800 cfs at dry season high level) seems to this observer to be reckless disregard for the Ding Darling Wildlife Refuge, its estuary, and ultimately all the waters adjacent to Southwest Florida.

I urge the corps to use up-to-date planning data and to pay full attention to the advice of scientists who agree that the Caloosahatchee must not exceed certain volume discharges of polluted fresh water into the Gulf of Mexico. I understand this means a change away from the "tentatively selected plan" to a more conservative discharge plan. However, in my opinion, it is the only way that a long-term plan to deal with this serious problem is going to be adequately promulgated.

Very truly yours,

Robert H. Fidsvold

Cc: J.P. Woodley & Gov Jeb Bush

1 Greenhouse Lane Cincinnati OH 45209

AND

E-21 Tennisplace Sanibel, FL 33957

Mr. Pete Milam Project Manager U.S. Army Corps of Engineers 701 San Marco Boulevard, 4<sup>th</sup> Floor Jacksonville FL 32207

Dear Mr. Milam,

My husband and I have been traveling to southwest Florida for close to 40 years. We decided five years ago to buy a piece of paradise on Sanibel Island. We chose this island because it was full of environmentalists who argued over every change that would impact the area – and we knew this was the place we wanted to be. Over the last five years, we have brought dozens of friends to stay in the area, many having returned with their families to vacation, and a few even purchasing properties.

However, our last three trips to Sanibel have been disasters with red tide, red algae blooms, fish kills. The fishing has been disappointing. The canoe trips through Tarpon Bay have been disturbing, with the paddle movements dredging up huge chunks of decomposing slimy algae. Friends accompanying us the last couple of trips did not experience the paradise we described to them.

Isn't it time you make some decisions that protect the environment of Southern Florida before it is too late - too late for the flora, fauna AND the people who have come to love this area of Florida?

I no longer look forward to receiving my Sanibel newspaper as all the articles discuss the continuing water releases from Lake Okeechobee, resulting in the loss of wildlife and the negative impact on the estuary area. All these poor decisions will eventually ruin the tourism and the economy of the Fort Myers area, not to mention the fish industry.

Please do something now to stop these releases! There are no more sea horses in Tarpon Bay, the manatee are wheezing when they come up to breathe, and people are not returning to this once rich paradise!

Sincerely,

Tom Eyrich

Pete Milam
Project Manager
U.S. Army Corps of Engineers
Jacksonville District
701 San Marco Blvd
Jacksonville, FL 32207-8175

USA

Michael Berg Hainstrasse 9 61476 Kronberg im Taunus GERMANY Tel: 01149 6173 783 959 Fax: 01149 6173 783 959 e-mail: m11berg@aol.com

Sunday, 17. September 2006

Re: Lake Okeechobee water releases

Dear Mr. Milam,

I am writing about the Army Corps of Engineers possible plan to revise the way in which Lake Okeechobee water releases are managed for the next 3 years. The current proposed plan focuses solely on the health of Lake Okeechobee, virtually ignoring negative impacts to the Caloosahatchee River, area estuaries and the SW Florida gulf.

We have been owners of a nice Gulf front condo on Sanibel Island since 1997 and have been enjoying the beauty of the islands and the clear waters surrounding the islands since 1995.

In the last few years we unfortunately had to witness the water and beach conditions going down due to algae and dead fish - in the beginning just a few days but no improvements after all. The reason: the water releases from Lake Okeechobee.

Like many other condo owners we are renting out the condo while we are not vacationing there. Referring to the worsening conditions this is getting more and more difficult or even imposssible. This year alone we had to face 3 cancellations of bookings due to the actual water quality including a long term renter who came for the last 7 years and each time stayed for 4-6 weeks. Now they are planning their vacations somewhere else, where water quality is not an issue. This is just a single example how the water releases are affecting tourism in SWF. Loosing tourists may end in closing businesses and declining property values, thus in lower income taxes as well as property taxes.

The currently proposed plan of the Army Corps of Engineers will, if adopted, make the situation worse and further damage the estuaries, causing continued episodes of algae overgrowth with profound repercussions to the entire ecosystem, thus hurting the economy too.

A plan must be adopted that better protect estuaries, includes the health of estuaries in day-to-day management decisions, and more equitably plans for discharges in multiple directions-not just targeting the Caloosahatchee River. Protecting the health of downstream ecosystems and the people

affected by releases from Lake Okeechobee must be a priority equal to protecting the health of the lake itself.

As a SW Florida home owner, I strongly urge you to ensure that any plan adopted for future releases from Lake Okeechobee will take into account the impacts of such releases on the receiving waterways and that the health of the receiving ecosystem will be protected with the same vigor as the health of Lake Okeechobee. Both affect vital resources and people.

Sincerely,

Michael Berg 201 Sandpiper Beach 1919 Olde Middle Gulf Dr. 33957 Sanibel, Florida

from Hainstrasse 9 61476 Kronberg im Taunus Germany Armand and Beverly Ball 1351-2A Middle Gulf Dr. Sanibel Island, FL 33957 239-472-0536-voice 239-472-5559-fax alphaball@comcast.net

September 13, 2006

Mr. Pete Milam, Project Manager U. S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville FL 32207

Re: 2007-2010 Lake Okeechobee Release Schedule

Dear Mr. Milam:

The 2007-2010 Lake Okeechobee Release Schedule proposes a solution to water release issues by focusing on the preservation of the dike around the Lake. Certainly the Corps has a responsibility to the residents of that area to protect the dike. However, consideration should also be given to those of us who live on the East and West Coasts where the nutrient rich lake water is being released, causing so much damage in so many ways.

It is hardly a solution to authorize a flow rate greater than present which exceeds your own biologists' recommendations. To start with you should review the more recent wet cycles (2001-2005) and formulate recommendations based on those years rather than relying on cycles prior to 2000.

Whatever discharge plan is developed should be more equitable between the East and West Coasts. Why should the Caloosahatchee River take a disproportionate amount of water from discharges into our estuaries? The damage from such disproportionate discharges over the past three to four years is evident throughout our local estuary and especially in the J. N. "Ding" Darling Wildlife Refuge.

The proposed plan needs to be revised to reflect your responsibility not only to Lake Okeechobee but also to the St. Lucie and Caloosahatchee Rivers. We recognize that the long range plan includes holding areas and other changes, but the next four years covered by your proposed Release Schedule can do such damage that future solutions can never undo.

Sincerely,

Armand and Beverly Ball

cc: Col. Paul L. Grosskruger

J.P. Woodley, Jr. Asst. Secretary of the U.S. Army Corps of Engineers

Governor Jeb Bush

Dennis Duke, P.E., Restoration Program Division Chief

Carol Wehle, Executive Director, South Florida Water Management District

1555 Sand Castle Road Sanibel, FL 33957 Phone: 239-472-8997

E-Mail: drmike@prodigy.net

August 15, 2006

Project Manager Pete Milam U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, FL 32207-8175

Dear Mr. Milam:

Cc:

As you are aware, Sanibel Island has historically been recognized as one of our finest national examples of how man and nature can live harmoniously together with minimal human impact on a natural, unspoiled environment. Its white beaches, extensive protected wildlife habitats, location as a prime resting place for migratory birds and carefully managed commercial development have made it a showcase for ecological harmony. Thanks to the decisions and actions of the Army Corps of Engineers and the South Florida Water Management District that harmony is rapidly being eroded and destroyed.

We have owned property on Sanibel Island for 18 years and have been year-round residents of the island for the past eight. In that time we have seen the water in San Carlos Bay and on the Gulf shore of Sanibel go from an appealing year-round crystal-clear turquoise color to what is now all too often a dark brown. The corresponding decrease in salinity, both of which result from the routine discharge of large quantities of contaminated fresh water from Lake Okeechobee through the Caloosahatchee River, are causing significant, unacceptable and damaging changes in the aquatic ecology of the region.

For many years the level of Lake Okeechobee was controlled with no or minimal fresh water discharges down the Caloosahatchee. We find the current practice of routine discharges totally unacceptable. We urge that this practice cease and that the sea water environment around our home community be allowed to return to its natural state. As an absolute minimum we ask that you accept the recommendations of your own biologists as well as basing your decision on current wet cycle, not outdated, data. We can only pray that the damage that the Corps and Water Management District have caused is not irreversible.

Very truly yours,

ef J. Baldwin, PhD Theresa T. Baldwin, EdD

Senator Mel Martinez, 317 Hart Office Building, Washington, DC Senator Bill Nelson, 716 Hart Office Building, Washington, DC

Governor Jeb Bush, PL05 The Capitol, 400 S. Monroe Street, Tallahassee, FL Ms. Carol Wehle, S. Florida Water Mgmt. District, Box 24680, West Palm Beach, FL

Major General Don T. Riley, Army Corps of Engineers, 441 G Street NW, Washington, DC

## Donna Adams 221 Daniel Dr], Sanibel, FL 33957 September 21, 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Dear Sir:

Re: Lake Okeechobee Regulation Schedule Study

We are owners of a home on Sanibel Island. We have read with increasing concern about the Corps of Engineers' proposed plan to manage Lake Okeechobee water releases from 2007-2010 known as the Lake Okeechobee Regulation Schedule Study. It is our fear that the proposed plan is worse than the plan used by the Corps the last few years, which has produced an unmitigated disaster for the Caloosahatchee estuary and Lee County, including Sanibel and its neighbor, Captiva Island.

The economy of Lee County is built on tourists and real estate development, businesses that require an ever growing number of people coming to the area. Water releases by the Corps from Lake Okeechobee into the Caloosahatchee River have killed roughly 70% of the sea grasses in the estuary. Sea grasses are the area's fish hatcheries; it's where fish spawn. Without fish there are no fishermen or birds. Without birds and fish there are no tourists, and population growth is replaced by population decline. Without more tourists and a growing number of people the tourist and real estate industry implodes and, with them, the economy of Lee County. Recent past Corps water releases have threatened the economy of Lee County and the proposed plan for 2007-2010, we fear, will be its undoing.

With that as background, here are our comments on the Lake Okeechobee Regulation Schedule Study.

First and foremost, the proposed plan must be changed to force the water managers to keep releases within their own (the Corps) biologists' accepted limits, which is something the "tentatively selected plan" fails to do. In fact, experts say that it will be worse for Caloosahatchee estuary than the current plan.

It is reprehensible to release into the environment from Lake Okeechobee quantities of water in excess of what biologists say is the limit the estuary can handle. The "tentatively selected plan" must be changed by addition of a mandate that the water managers must not exceed biologists' ceiling for releases. Biologists have determined the estuary can take up to 2,800 cubic-feet-persecond (cfs) from Lake Okeechobee during the wet season, and down to somewhere between 600 cfs and 800 cfs during the dry season. If more than that is released, then you are putting too much fresh water, too full of nutrients and too polluted into a salt-water estuary. The "tentatively selected plan" ignores the biologists' advice and permits far greater water releases. It should be brought into line with the biologists' advice — which, as you probably can guess, comes back to sea grasses.

Second, the Corps' model used in the proposed plan can be much better. The reason there is a problem now is because the Corps has been using data that fails to take into account the methodology that meteorologists use, which says that you have roughly 30 years of a dry cycle and a 30-year wet period. Lee County is now about two or three years into a new wet cycle. The Corps' model was updated to go through the year 2000, which means it is not up to date. To bring it up to date, data through 2005 needs to be added. That will confirm the change from one cycle to the other has happened, and it needs to be taken into account by change in the "tentatively selected plan."

Next, the Corps' proposed plan is much too lenient – it confers too much discretion upon the water managers. In fact, it has things turned around. It now contains too much opportunity for the water managers to just decide, depending upon what a couple of staffers or whoever influences them happen to think at the time, when to release water. They should only be allowed to release water from Lake Okeechobee, if they ever release excessive water, at times when there is a severe problem with the Lake.

The objective should be to manage the Lake down to the lowest possible level. Concerns about that from the water supply people (agriculture and the cities in Southeast Florida who get water from the Lake) have been addressed by the South Florida Water Management District, which has agreed to purchase and install forward pumps that will make it possible to meet the water supply needs of these people with the Lake at a lower level. There should be no reason not to be able to operate the Lake with some precision at a lower level year-round and to keep ongoing releases lower level and <a href="multi-directional">multi-directional</a>. Releases need to go south and east as well as west. The Corps' presently proposed plan contains none of this. It should contain all of it. The fact is that the Corps' "tentatively selected plan" will inflict great damage on the people of Southwest Florida in order to assure their easterly neighbors of adequate water supplies. It makes no allowance whatsoever for the protection provided them in this regard by the planned forward pumps and fails to fairly spread the pain available through multi-directional releases. These deficiencies should be corrected.

Further, the Corps' proposed plan needs to include provision and allowances for use of the c. 450,000 acre-feet of water storage already owned or leased by the South Florida Water Management District. This storage capacity needs to be connected to the Lake, and used in management of its level and water releases. The Corps could purchase or lease this storage capacity from the District. The regulation schedule should be amended to take this fact into effect.

In conclusion, we believe the Corps' presently proposed plan threatens destruction of the economy of Southwest Florida, and respectfully ask that it be amended as suggested in these comments.

Sincerely,

-)Anna adams

### Haberer, Yvonne L SAJ

From: Appelbaum, Stuart J SAJ

Sent: Thursday, October 12, 2006 7:12 AM

To: Haberer, Yvonne L SAJ

Cc: Apple, David P SAJ; Burns, Marie G SAJ

Subject: FW: Lake Okeechobee - St. Lucie

Consider these as LORSS comments.

**From:** ef [mailto:evf7660@ircc.net]

Sent: Wednesday, October 11, 2006 11:27 PM

To: Appelbaum, Stuart J SAJ

Subject: Lake Okeechobee - St. Lucie

Dear Mr. Applebaum, Perhaps in considering lake levels and release schedules we should give significant weight to: 1) the amount of water allowed to enter the chain of lakes and hence Lake Okeechobee with current limited possible outlets; 2) quality of water entering chain of lakes, Lake Okeechobee. In planning the outflow shouldn't also try to minimize the problems of the inflow?

Osceola County is in the process of amending their Comprehensive Growth Management Plan to accommodate the development of several thousand homes around Lake Toho and Apopka. The fact that new development does not retain the water flow nor pollutants like the natural state, (in fact creates more of both) is not a debate, just an observation. So why are St. Lucie and Caloosahatchee to be punished for the insufficient planning and permitting of SFWMD, Army Corps, and Osceola County.

The extra quantity and polluted quality of water will do damage to St. Lucie and Caloosahatchee with no prospective means of mitigation. How can this recognized potential damage be allowed (permitted). Do some people have the right to knowingly harm others?

Also the idea of a couple of pipes from the Lake to Biscayne Bay seems to over look the introduction of destructive pollution that will result. It seems this may just provide researchers another system to monitor its demise and hypothesize as to the causes - phosphorous, nitrogen, hot water, etc.

We want a means of moving water south and want it to be high quality water so there is minimum to no damage. It seems that will require a flow-way system sufficiently wide and with the correct plant community to accomplish cleansing.

Thank you, Ed Fielding evf7660@ircc.net

I live, work and invest in Southwest Florida. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

- Recognize the damage already done to SWFL by your previous releases
- Prevent water releases that exceed your own biologists' recommendations
- Base decisions on current wet cycle data—not outdated data
- More equitably plan for discharges in multiple directions—not forcing the Caloosahatchee River to take the biggest hit

RAUPH & GVACE MAZZARELLA

930 LINDGREN BIVD.

SINIBEL, FT 33957

## Thomas G. Ragatz

800 Sextant Drive Sanibel, FL 33957

October 5, 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Re: Lake Okeechobee Regulation Schedule Study

Dear Sir:

We own a large condo on Sanibel Island and have been seasonal residents of Sanibel for more than 8 years. Prior to purchasing our Sanibel condo, we vacationed on the Island. In short, we are the type of people (tourists and part-time residents) upon whom the economy of Southeast Florida was built.

We have read with increasing concern about the Corps of Engineers' proposed plan to manage Lake Okeechobee water releases from 2007-2010, known as the Lake Okeechobee Regulation Schedule Study. It is our fear that the proposed plan is worse than the plan used by the Corps the last few years, which has produced an unmitigated disaster for the Caloosahatchee estuary and Lee County, including Sanibel and its neighbor, Captiva Island.

The economy of Lee County is built on tourists and real estate development, businesses that require an ever growing number of people coming to the area. Water releases by the Corps from Lake Okeechobee into the Caloosahatchee River have killed roughly 70% of the sea grasses in the estuary. Sea grasses are the area's fish hatcheries; it is where the fish spawn. Without fish, there are no fisherman or birds. Without birds and fish there are no tourists, and population growth is replaced by population decline. Without more tourists and a growing number of people, the tourist and real estate industry implodes, and with them, the economy of Lee County. Recent past Corps water releases have threatened the economy of Lee County and the proposed plan for 2007-2010, we fear, will be its undoing.

With that as background, here are our comments on the Lake Okeechobee Regulation Schedule Study.

First and foremost, the proposed plan must be changed to force the water managers to keep releases within their own (the Corps) biologists' accepted limits, which is something the "tentatively selected plan" fails to do. In fact, experts say that it will be worse for Caloosahatchee estuary than the current plan.

Pete Milam, Project Manager October 5, 2006 Page 2

It is reprehensible to release into the environment from Lake Okeechobee quantities of water in excess of what biologists say is the limit the estuary can handle. The "tentatively selected plan" must be changed by addition of a mandate that the water managers must not exceed biologists' ceiling for releases. Biologists have determined the estuary can take up to 2,800 cubic-feet-persecond (cfs) from Lake Okeechobee during the wet season, and down to somewhere between 600 cfs and 800 cfs during the dry season. If more than that is released, then you are putting too much fresh water, too full of nutrients and too polluted into a salt-water estuary. The "tentatively selected plan" ignores the biologists' advice and permits far greater water releases. It should be brought into line with the biologists' advice—which, as you probably can guess, comes back to sea grasses.

Second, the Corps' model used in the proposed plan can be much better. The reason there is a problem now is because the Corps has been using data that fails to take into account the methodology that meteorologists use, which says that you have roughly a 30-year dry cycle and a 30-year wet period. Lee County is now about two or three years into a new wet cycle. The Corps' model was updated to go through the year 2000, which means it is not up to date. To bring it up to date, data through 2005 needs to be added. That will confirm the change from one cycle to the other has happened, and it is to be taken into account by change in the "tentatively selected plan."

Next, the Corps' proposed plan is much too lenient—it confers too much discretion upon the water managers. In fact, it has things turned around. It now contains too much opportunity for the water managers to just decide when to release water, depending upon what a couple of staffers or whoever influences them happen to think at the time. They should only be allowed to release water from Lake Okeechobee, if they ever release excessive water, at times when there is a severe problem with the Lake.

The objective should be to manage the Lake down to the lowest possible level. Concerns about that from the water supply people (agriculture and the cities in Southeast Florida who get water from the Lake) have been addressed by the South Florida Water Management District, which has agreed to purchase and install forward pumps that will make it possible to meet the water supply needs of these people with the Lake at a lower level. There should be no reason not to be able to operate the Lake with some precision at a lower level year-round and to keep ongoing releases lower level and multi-directional. Releases need to go south and east as well as west. The Corps' presently proposed plan contains none of this. It should contain all of it. The fact is that the Corps' "tentatively selected plan" will inflict great damage on the people of Southwest Florida in order to assure their easterly neighbors of adequate water supplies. It makes no allowance whatsoever for the protection provided them in this regard by the planned forward pumps, and fails to fairly spread the pain available through multi-directional releases. These deficiencies should be corrected.

Further, the Corps' proposed plan needs to include provision and allowances for use of the c. 450,000 acre-feet of water storage already owned or leased by the South Florida Water Management District. This storage capacity needs to be connected to the Lake and used in management of its level and water releases. The Corps could purchase or lease this storage capacity from the District. The regulation schedule should be amended to take this fact into effect.

Pete Milam, Project Manager October 5, 2006 Page 3

In conclusion, we believe the Corps' presently proposed plan threatens destruction of the economy of Southwest Florida, and respectfully ask that it be amended as suggested in these comments.

Sincerely,

Thomas G. Ragatz and Karen C. Ragatz

# Nathalie Pyle

11542 Laika Lane • P.O. Box 327 Captiva, FL 33924 239-395-1886 • Fax 239-395-3148 nrpyle@comcast.net

October 12, 2006

Pete Milam Project Manager U.S. Army Corps of Engineers Jacksonville District 701 San Marcos Boulevard Jacksonville, Florida 33207-8175

Dear Mr. Milam:

My husband and I are full time residents of Captiva, Florida. My husband works on Sanibel and I am a nonprofit consultant and community volunteer.

We are alarmed at the condition of San Carlos Bay and the shores of the Gulf of Mexico off the coast of Sanibel and Captiva. Drifts of algae, putrid dead fish along the shore, and dirty brown water can not be coincidence. Water releases from Lake Okeechobee to the Caloosahatchee River are spoiling the water quality, destroying sea grass beds, and fouling Southwest Florida's coastline and estuaries.

Friends and family from the mainland call us to find out if the beach is decent before venturing out to the islands for the day. We receive e-mail from neighbors owning rental property who want to know how the red tide is so they know if they will have to be refunding to their guests. How can this be allowed to happen to one of Florida's most sought-after tourism destinations?

- The release schedule for Lake Okeechobee for 2007-2010 must be modified to prevent further devastation in Southwest Florida.
- An equitable release plan must discharge the water in multiple directions and not force the majority of water to flow through the Caloosahatchee.
- Recommendations of biologists must be heeded.
- Current wet cycle data must be consulted and not outdated statistics.

THE U.S. ARMY CORPS OF ENGINEERS MUST REVISE ITS PLAN TO BETTER CARE FOR THE HEALTH OF THE COAST OF SOUTHWEST

Prie Pathalietyle Nathalie Pyle

October 13, 2006

Mr. Pete Milam
Project Manager
US Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207

Re: LAKE OKEECHOBEE WATER RELEASES

Dear Mr. Milam:

As a Southwest Florida resident for more than 20 years, I have become used to and enjoyed recreating in our local waters. Now our waters have been threatened by the releases from Lake Okeechobee that flow west into our Caloosahatchee River, the Gulf of Mexico and our estuaries. Our estuaries have been so damaged that they may not be able to heal themselves, if the releases are not redirected.

Please end the toxic and harmful releases to the Caloosahatchee River and allow our estuaries and waterways to begin their recovery. I know this may take years so time is of the essence. Please reject the proposed Tentatively Selected Plan, which will increase the number of harmful large releases to be dumped on Southwest Florida. While walking on our beach last Sunday morning the beach was cluttered with huge piles of algae and dead fish. This could become a serious health issue if this continues.

Please reject the TSP and find a more environmentally friendly plan for the water releases.

Thank you very much for your help.

Sincerely,

Cathy Wilson

6429 Pine Avenue

Sanibel Island, FL 33957

cc. Congressman Connie Mack, IV Senator Bill Nelson

athy Wilson

Senator Bill Nelson
Senator Mel Martinez

October 13, 2006

U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, FL 32207

Robin C. Humphrey 6429 Pine Avenue Sanibel Island, FL 33957

RE: Lake Okeechobee Regulation Schedule Study (LORSS)

Dear Mr. Milam,

As a 22 year resident of Sanibel Island, a Board member of PURRE and the Sanibel Captiva Islands Association of Realtors, I find myself wondering why it is that the Army Corps of Engineers are hell bent on totally destroying our estuary, J.N.Ding Darling Wild Life Sanctuary, our tourist industry and endangering the health and welfare of our citizens, not to mention the reduction of the value of our homes, by sending massive polluted water-releases from Lake Okeechobee down the Caloosahatchee River.

I urge you to REJECT the tentatively selected plan (STP) and come up with a plan to save our estuary from total destruction.

Best regards.

Robin Q. Humphrey

cc. Congressman Connie Mack IV

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Senator Bill Nelson Senator Mel Martinez



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JENSEN'S RESORTS

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Jensen Brothers — Dave. John & Jimmy

10-11-06 Mr Pete Milan Project Manager, U.S. Army Copps of Engineers 701 San Mancos Blod Proposof Engineers Jacksonville, FL 32207 Dean Mr Milan, My family and I have owned a Fish Campy Cottags and Mazina, on Pinc Island Sound the past 30 years. We are very concerned about a recent decline in our surrounding water quality ad are now experiencing shortful! and posibly health issurbelause ot that extra releases of Lake O Kachologe water Please, as you tormulate the near future Lake Okeechober water release Schedule please give the west Coast as much Consideration as possible in reducing hunates I would like to inte you outsit sometime and I'll

have one of our tohing Mes give you a town of shappening to our buy. Pave Jersen Ensen's Twin Palm R P.O. Pox |11

October 13, 2006

U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, FL 32207

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Robin Q. Humphrey

cc. Congressman Connie Mack IV

Senator Bill Nelson Senator Mel Martinez Mr. Pete Milam
Project Manager
US Army Corps of Engineers
Jacksonville District
701 San Marco Boulevard
Jacksonville, FL 32207

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Sincerely,

Cathy Wilson 6429 Pine Avenue

Sanibel Island, FL 33957

athy Wilson

cc. Congressman Connie Mack, IV Senator Bill Nelson Senator Mel Martinez October 4, 2006

2.0

United States Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, Fl 32207

Attention: Project Manager Pete Milam

Re: Lake Okeechobee Regulation Schedule Study (LORSS)

Please end toxic releases to the Caloosahatchee River! As a concerned citizen and river enthusiast, I am writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaguing the Caloosahatchee River, our estuaries, and offshore in the Gulf of Mexico. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even mor3e water to be dumped on Southwest Florida.

In order to do so, I urge you to store water for water supply and irrigation outside the lake and manage the lake at permanently lower levers that mimic natural conditions.

The current water releases additionally sacrifice the river's water quality. The combination of re-suspended sediments and fertilizers has turned Lake Okeechobee water into a polluted mess, which is released regularly into the Caloosahatchee, and eventually reaches San Carlos Bay. This leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. Our beaches are littered with dead fish and decaying algae. We need to come up with a better solution for protecting both human health and the environmental integrity of the region.

We urge you to REJECT the Tentatively Selected Plan (TSP) and go back to the drawing board.

Sincerely,

Diane Stocks

8751 Lateen Lane #103

Fort Myers, Florida 33919

nam Stocks

dianestocks@comcast.net

Cc: Congressman Connie Mack IV Senator Bill Nelson

Senator Bill Nelson
Senator Mel Martinez

Charlie Crist

Jim Davis

U.S. Army Corps of Engineers Jacksonville District, 701 San Marco Blvd. Jacksonville, FL 32207

Attn: Project Manager Pete Milam

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We urge you to REJECT the Tentatively Selected Plan (TSP) and go back to the drawing board.

Linda Gornick

1035 Blue Heron Drive Sanibel, Florida 33957

Cc: Congressman Connie Mack IV

Senator Bill Nelson Senator Mel Martinez October 13, 2006

U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd Jacksonville, FL 32207

Attn. Project Manager Pete Milan

Re: Lake Okeechobee Regulation Schedule Sturdy (LORSS)

Please end the toxic releases from Lake Okeechobee into the Caloosahatchee River. As a concerned citizen and full time resident of Sanibel, I am writing to you to urge you to reduce the harmful discharges that are plaguing our environment and quality of life. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful releases to allow even more toxic water to be dumped into Southwest Florida.

In order to do so, I urge you to store water for water supply and irrigation outside the lake and manage the lake at permanently lower levels that mimic natural conditions.

The current water releases have created an environmental nightmare in Southwest Florida. Our beaches are littered with dead fish and decaying algae. The economic effects of which will be felt for decades, not just for a few years. Our economy is based on tourism and the negative blogging on this situation will be hard to reverse if the situation is not remedied immediately. It is difficult to enjoy a beach when the stench from the decaying sea life impairs your respiratory system and has other negative physical effects. (My eyes are red and watering for days after exposure.) As the current TSP is very short sighted, we need for you to come up with a better solution for protecting both human health and the environmental integrity of the region.

We urge you to REJECT the Tentatively Selected Plan (TSP) and go back to the drawing board.

Sincerely,

Ollstal States
Deborah Staley

1162 Kittiwake Cir.

Sanibel, FL 33957

Cc. Congressman Connie Mack IV Senator Bill Nelson

Senator Mel Martinez

October 2, 2006

Project Manager Pete Milam
US Army Corps of Engineers
Jacksonville, District,
701 San Marco Blvd.
Jacksonville, FL 32207
RE: Lake Okeechobee Regulation Schedule Study (LORSS)

cc: Congressman Connie Mack IV

cc: Senator Bill Nelson cc: Senator Mel Martinez

## Dear Mr. Milam:

Please end toxic releases to the Caloosahatchee River!. As a concerned citizen and river enthusiast, I am writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaguing the Caloosahatchee, our estuaries, and offshore in the Gulf of Mexico. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

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We urge you to REJECT the tentatively Selected Plan (TSP) and go back to the drawing board.

Sincerely,

Carol Sevacko
936 SW 6<sup>th</sup> Avenue

Cape Coral, FL 33991

October 21, 2006

Yvonne Haberer, U.S. Army Corps of Engineers 701 San Marco Blvd.

Jacksonville, FL 32207

Dear Ms. Haberer,

I am writing in response to the request for public responses to the "tentative selected plan" regarding the discharge of waters into the Caloosahatchee river.

The results of discharges over the recent years has been nothing short of catastrophic for this area causinga massive decline in the water quality and the quality of life along the gulf and bays here at the mouth of the river.

It seems to me that more effort should be made to prohibit the discharge of pollutants from the farming areas around Lake Okeechobee into the lake, and certainly no releases from the Lake in excess of biologists should be permitted. Further to prevent pollution downstream, the Lake should be kept at a much lower level all year to avoid damaging discharges.

If I read the history of this Lake correctly, it was not originally connected to the Caloosahatchee, so the problem is obviously upstream from our area; a plan to correct the problem in 3-5 years is inadequate for by that time the ecology of this area could be permanently damaged beyond repair.

Sincerely,

R. Eric Weise, PhD

1774 Bunting Lane, Sanibel, FL 33957

cc: Senator Martinez, Senator Nelson, J. Zediak, A. Carlson, Rep. Kottkamp, J. Iglehart

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Yvonne Harberer U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL32207

RE: Lake Okeechobee Regulation Study Schedule

## Dear Ms. Harberer:

I do not believe the current Lake Okeechobee management plan now being considered by the U.S. Army Corps of Engineers does enough to insure quality of water in the Caloosahatchee River and areas of Southwest Florida and the Gulf of Mexico. Clean, good quality water is essential for our area and we are sick that the Corps does not seem to realize its plan won't adequately protect us. I believe you must look again at South Florida and the agricultural areas you seem to be currently favoring.

Please listen to the pleas of residents of this area.

Yours truly,

Margaret P. Mullins

10100 Cypress Cove Drive, #170

margaret mule

Fort Myers, FL 33908

October 5, 2006

Mr. and Mrs. Peter B. Halliday 299 Ferry Landing Road Sanibel, Florida 33957 October 11, 2006

U. S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, FL 32207

Attn: Project Manager Pete Milam

RE: Lake Okeechobee Regulation Schedule Study (LORSS)

Please end toxic releases to the Caloosahotchee River! As a concerned citizen and a waterfront property owner on San Carlos Bay, we am writing to implore you to reduce the harmful discharges from Lake Okeechobee that are ruining the Caloosahatchee River and San Carlos Bay. The proposed Tentatively Selected Plan(TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

I urge you to store water for water supply and irrigation ourside the lake and manage the lake at permanently lower levels that mimic natural conditions.

You know the arguments, you must be hearing from many citizens of Southwest Florida. Suffice it to say that we urge you to REJECT the TSP and start from the beginning to design a better plan.

Sincerely,

Janet W. Halliday(Mrs. Peter(B/)

on YW falledas

299 Ferry Landing Road

Sanibel, FL 33957

Cc: Congressman Connie Mack IV

Senator Bill Nelson Senator Mel Martinez To Whom it may concern,
I Live, work, and invest in
Southwest Florida. I have Steen
the water anality Become very
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in the last seven years we have
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Base decisions on current data
Not outdated data.
Better plan for dischanges in
multiple directions, Not forcing
the Caloosahatchee to take the
Biggest Hit

Thank Yoy, John Jensen Coptua Island

Carlos C. Monroy Carmen Monroy 5321 Bayshore Avenue Cape Coral, Florida 33904

September 28, 2006

Pete Milam, Project Manager US Army Corp of Engineers 701 San Marco Boulevard Jacksonville, Florida 32207

Mr. Milam:

We are writing to express our opposition to the proposed Lake Okeechobee Regulation Schedule Study, which is to be implemented January 2007.

Our home is located on a salt water canal with tidal influence in south Cape Coral. During the past years we have observed first hand the effects of the Corp's discharges into our waterways. Oyster beds along our seawall, dolphins and fish that once frequented our canal are now a rare siting. We do not need to be told when there is a discharge from the lake, as we see it in our canal in the murky water and absent sea life.

We are also extremely concerned that the Corpschooses to reduce the lake level in advance of tropical storms and hurricanes, raising water levels down stream and possibly exacerbating flooding associated with these storm systems.

We urge the US Army Corps of Engineers to reconsider this plan and its management practices which negatively impact Southwest Florida. Instead, the Corps should propose a management plan and lake regulation schedule that does not contribute the decline and destruction of our environment.

Sincerely,

Copy:

Caloosahatchee River Citizens Association – Riverwatch

P O Box 1165, Fort Myers, Florida 33902-1165

•

**Email Correspondence** 

From: Red and Kristie Anders [redandkristie@earthlink.net]

Sent: Monday, October 02, 2006 2:26 PM

To: Milam, J P SAJ

Subject: LORRS comments on 1bS2-m

September 20, 2006

Re: Concerns about TSP 1bS2-m LORSS

From: Kristie Anders

4550 Schooner Drive, North Captiva Island, FL with no mail delivery available on the island, my mailing address is: PO Box 978 Sanibel FL 33957 Phone 239-472-9750 Work- 239-472-2329 ext. 302

First of all I feel compelled to state my thanks to Dennis Duke and Colonel Grosskruger. I appreciate their patience and respect demonstrated with the audience that evening.

Secondly, I appreciate that there are many perspective that have been offered through the process of public dialog.

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I submitted photos of dead fish along the bayside of Captiva after a near-shore red tide out break that correlated to high volume discharge from the Lake this past summer. A friend in the kayak rental business had to use pitchforks to move fish out of the way in order to launch kayaks. A boating company with whom my organization has a partnership has educated over 500,000 visitors and residents over the past 10 years about the importance of a functioning estuary. People come to see dolphin, osprey, bald eagles, manatees, terns, egrets, herons and other wildlife. Those opportunities are fading. Valuable business is lost.

Fishing guides, hoteliers, waiters, housekeepers, shopkeepers, realtors and people like my self working at not-for-profits languish as the water quality shifts the tourist and real estate market away from our coast.

Lee County has the highest boat registration per capita in the State.

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I buried a Kemp†s Ridley sea turtle this summer. When I called FWC turtle scientists I was told there were several that died. I ask if they thought the deaths had anything to do with water quality. Not directly, they said. But the turtles were coming to the estuary to feed on crabs and other scavengers that thrived in the massive die-offs of other estuarine organisms. The Kemp†s died because their food was contaminated. Green sea turtles are threatened because their food source is sea grasses. The Sanibel Captiva Conservation Marine Lab has demonstrated the adverse effect of the releases on density of sea grasses.

Another friend has been compelled to move off-island to avoid the negative respiratory and allergic reactions to waters around the islands. These reactions occur more often after high volume water release events.

In our own work place, water quality affects the health of our staff to the point of loss of workdays. Immune systems are challenged and allergies worsen. Sinus irritations have led to infections. People try to work through symptoms of a bad cold  $\hat{a} \in \mathbb{R}_{+}$  sore throat, loss of energy, irritated eyes and headaches all at times when the water quality is declining.

I know the City of Bonita Springs invoked a study of the frequency and severity of red-tide outbreaks over the past 50 years. It was found the outbreaks are more frequent and longer duration by as much as 13-15X†s what had occurred in previous five-year increments. There are also an increased number of red tide events originating not off shore but in the near shore waters.

The estuarine waters have become more toxic in the same time period as high volume water releases form the Lake.

I acknowledge the Caloosahatchee Basin itself contributes to these issues. We have a lot of work to do in our own back yard but the problems are compounded by the releases.

The high volume releases with the increased outflow current also prevent the waters of the Gulf to enter the estuary system. This inhibits the natural recovery of the estuary from harsh storm events as the influx of Gulf waters carry with it higher dissolved oxygen. The Gulf clearer waters also increase the speed at which light attenuation is improved. The inflow/outflow of tidal Gulf waters also contributes to the dilution of the more troubled waters of the river. The high-volume outflow from the C-43 prevents this natural tidal co-mingling.

The natural estuarine system does demonstrate resiliency from storm events but the burden placed upon it by the artificially enlarged drainage basin is more than it can bear. Some scientists believe it takes 5-10 for the estuary to fully recover and yet the TSP indicates high-volume releases will exceed the number of events that have occurred in the past. The estuary needs time to rebound and I believe pulsed releases may work better. The question becomes how much time should be allowed between releases. I only wish I had the answers.

Then another concern has to do with the supply side management. As the Corps has lowered it maximum allowable height of water levels in the lake, it has reduced the water levels on the lower end thus shifting into supply side management with less of a margin. The SFWMD is not bound to release any water to the estuary except by their own discretion, or what they label 倜adaptive protocol.å€□

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said there would be no water reservation for the estuaries.

In reviewing 1bS2-m I have seen increased risk to the estuarine environment and human health down stream. I do not believe a suitable solution has been reached at this time. Despite the fact there was a time constraint put on this restudy, I would rather see it improved for the sake of those of us who live downstream in lieu of haste to implement it.

We need more land acquisition. We need more time for estuarine recovery after high volume water input. We need more parameters in modeling the operational guidelines and the estuarine residents inhabitants- human, wildlife and vegetation need more consideration in the formulary to manage the waters of the Greater Everglades Ecosystem.

I wish I had a better idea of target rules, appropriations and authorization that would assist you in your charge to get the water right, protect the habitat, foster compatibility and protect the people of South Florida. I know the solutions are a complex web of politics, engineering, biology, social needs and common sense.

If able to do so directly, I would ask you what tools you need to better perform your tasks. I want to help facilitate change to a system no longer functions to protect the health and welfare of the people in South Florida. We all acknowledge improvements must be made.

I thank you for your time and consideration and hope that some of the aforementioned concerns are addressed and modification can be made before the TSP 1b S2â€, m is adopted.

In the end it will be the accumulative effect of many little pieces of solutions that will improve our environment. The degradation was all the result of small actions. None were intentional as far as I understand. Because the degradation of the system was in essence the tyranny of small decisions that urgently addressed challenges as they arose. It was not just the Corps but SFWMD, stakeholders such as fishermen, citrus growers and gardeners. It is incumbent each and every person that lives within the greater Everglades watershed to make sacrifices for the greater good. Your actions have helped call attention to our current dilemma.

Establishment of social and environmental justice, providing for the common good, assuring general welfare and our ability to pursue happiness bring us all together as the greatest nation. It is because of our constitution that I believe the political process and the ability for everyone to be heard gives me great faith that we can work through this challenge. I trust that each and every one of our opinions holds an equal weight in the search for solutions- none of us is greater than another.

Thank you for your time and efforts to make this a better place for all of us to enjoy the freedoms you defend on our behalf.

Sincerely

Kristie Anders

From: Red and Kristie Anders [redandkristie@earthlink.net]

Sent: Monday, October 02, 2006 2:26 PM

To: Milam, J P SAJ

Subject: LORRS comments on 1bS2-m

September 20, 2006

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Sincerely

Kristie Anders

From: Ljoh1234@aol.com

Sent: Sunday, October 01, 2006 1:53 PM

To: Milam, J P SAJ

Subject: Lake Okeechobee Water Release Schedule

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Louise Malia Johnson, D.A. 3941 West Gulf Drive Sanibel, FL 33957

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Louise Malia Johnson, D.A. 3941 West Gulf Drive Sanibel, FL 33957

Cc: Representative Connie Mack, IV Senator Bill Nelson Senator Mel Martinez

From: Deborah Gleason [sanibelinfo@yahoo.com] Sent:

Thursday, September 28, 2006 12:29 PM

Milam, J P SAJ To: Subject: The Lake O Situation

#### Dear Sirs

You have many people writing to you about the water releases from Lake Okeechobee. I am not a scientist so my input is simply a plea from someone who has lived here since 1958.

Over the years I have experienced many red tides and times of high fresh water content in our bays but the recent repeated incidents of these has our local environment nearing a meltdown stage. Once aquatic grasses are gone so many of our birds, animals and mammals will also go. I once rowed and kayaked through thriving estuaries and now most of what I see is only barren sand and muck.

Of course the issue is so multifaceted that there is no easy answer. But after attending the public meeting two weeks ago I realized you aren't looking for the answer. We sat through an hour of an explanation of how we will be getting our polluted waters this year, but no message of hope that anything was being done to reduce the amount.

Please help the Federal and State governments know that your problem is affecting over half the state of Florida and you need immediate help to solve this disaster.

Once the damage is done it may never be reversed, environmentally and financially.

I wish you luck in solving this great challenge, we are counting on you.

Sincerely, Deb McQuade Gleason

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From: cdufinetz@aol.com

Sent: Wednesday, September 27, 2006 9:49 PM

To: Milam, J P SAJ
Subject: lake okeechobee

#### mr. milam,

i am a realtor living and working on the island of sanibel. i live on the caloosahatchee river. please stop the release of water from lake okeechobee. i am constantly showing properties around the bay, gulf and river. the clients ask me what is all the "foam" in the water from? why is the water so dark? why can't you see to the bottom and on and on. i tell them the truth. what is currently happening to our river, bay and gulf. i ask them to voice their opinion on the water quality since they see it for themselves. i met an old fellow who was born and raised in florida. hunted the waters for frogs to earn a living. has an aligator farm, he is very familiar with the waters and lakes in florida, he said that there are natural underground ways to release this water from the okeechobee, have we looked into this? how? and could this be done? i volunteered to clean the sanibel beaches two weeks ago, the amount of dead sand eels and fish was frightening, my gosh you are messing with mother nature in an unnatural way.

christie dufinetz 239.707.9374

cc: representative connie mack, IV senator bill nelson senator mel martinez

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From: cdufinetz@aol.com

Sent: Wednesday, September 27, 2006 9:49 PM

To: Milam, J P SAJ
Subject: lake okeechobee

#### mr. milam,

i am a realtor living and working on the island of sanibel. i live on the caloosahatchee river. please stop the release of water from lake okeechobee. i am constantly showing properties around the bay, gulf and river. the clients ask me what is all the "foam" in the water from? why is the water so dark? why can't you see to the bottom and on and on. i tell them the truth. what is currently happening to our river, bay and gulf. i ask them to voice their opinion on the water quality since they see it for themselves. i met an old fellow who was born and raised in florida. hunted the waters for frogs to earn a living. has an aligator farm. he is very familiar with the waters and lakes in florida. he said that there are natural underground ways to release this water from the okeechobee. have we looked into this? how? and could this be done? i volunteered to clean the sanibel beaches two weeks ago. the amount of dead sand eels and fish was frightening. my gosh you are messing with mother nature in an unnatural way.

christie dufinetz 239.707.9374

cc: representative connie mack, IV senator bill nelson senator mel martinez

<u>Check out the new AOL</u>. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

From: amonreappraisers@comcast.net

Sent: Wednesday, September 27, 2006 8:57 AM

To: Milam, J P SAJ

Subject: clean water please

## Dear Mr. Milam,

I am urgently asking you to reconsider releasing toxins into our lakes and rivers. We need to find a better solution for protecting our environment and, in that regard, our health too. Our family has seen a badly polluted Lake Okeechobee over the last few years and will no longer fish there. We need to clean it up by recycling the water in some kind of filtering system BEFORE it goes into Okeechobee and then our rivers. Please REJECT the TSP before it's too late.

#### THANK YOU

Jo & Will Kuhns 5556 Rollingwood Dr. Sarasota, FL 34232

From: Jim Liston [JListon@santarus.com]

Sent: Wednesday, September 27, 2006 7:40 AM

To: Milam, J P SAJ

Subject: Please end toxic releases to the Caloosahatchee River!

Project Manager Pete Milam U.S. Army Corps of Engineers Jacksonville District, 701 San Marco Blvd. Jacksonville, FL 32207

RE: Lake Okeechobee Regulation Schedule Study (LORSS)

Dear Mr. Milam

Please end toxic releases to the Caloosahatchee River! As a concerned citizen and river enthusiast, I am writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaguing the Caloosahatchee River, our estuaries, and offshore in the Gulf of Mexico. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

In order to do so, I urge you to store water for water supply and irrigation outside the lake and manage the lake at permanently lower levers that mimic natural conditions.

The current water releases additionally sacrifice the river's water quality. The combination of re-suspended sediments and fertilizers has turned Lake Okeechobee water into a polluted mess, which is released regularly into the Caloosahatchee, and eventually reaches San Carlos Bay. This leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. Our beaches are littered with dead fish and decaying algae. We need to come up with a better solution for protecting both human health and the environmental integrity of the region.

We urge you to REJECT the Tentatively Selected Plan (TSP) and go back to the drawing board.

Sincerely, Jim Liston

Cc: Congressman Connie Mack IV Senator Bill Nelson Senator Mel Martinez

Jim Liston Santarus Inc. Field Sales- Fort Myers (239) 292-0087

jliston@santarus.com

From: McCloskey [rmac@rcn.com]

Sent: Tuesday, September 26, 2006 9:47 PM

To: Milam, J P SAJ

Subject: Lake Okechobee Release Schedule Plan

Army Corps of Engineers Jacksonville District, 701 San Marco Blvd. Jacksonville, FL 32207

Attn: Project Manager Pete Milam

RE: Lake Okeechobee Regulation Schedule Study (LORSS)

Please end toxic releases to the Caloosahatchee River! As concerned citizens, we are writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaguing the Caloosahatchee River, our estuaries, and offshore in the Gulf of Mexico. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

We urge you to store water for water supply and irrigation outside the lake and manage the lake at permanently lower levers that mimic natural conditions.

The current water releases severely sacrifice the water quality of the Caloosahatchee. The combination of resuspended sediments and fertilizers has turned Lake Okeechobee water into a polluted mess, which is released regularly into the Caloosahatchee, and eventually reaches San Carlos Bay. This leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. Our beaches are littered with dead fish and decaying algae. We need to come up with a better solution for protecting both human health and the environmental integrity of the region.

Please protect the unique beauty and wildlife of Southwest Florida by REJECTING the Tentatively Selected Plan (TSP) and formulating a new plan.

Sincerely, Judith & Roy McCloskey 3815 Coquina Drive Sanibel, FL 33957

Cc: Congressman Connie Mack IV Senator Bill Nelson Senator Mel Martinez

From: lori@allstaterealty.us

Sent: Tuesday, September 26, 2006 12:08 PM

To: Milam, J P SAJ

Subject: LORSS

Project Manager Pete Milam U.S. Army Corps of Engineers Jacksonville District, 701 San Marco Blvd. Jacksonville, FL 32207

RE: Lake Okeechobee Regulation Schedule Study (LORSS)

#### Dear Mr. Milam:

Please end toxic releases to the Caloosahatchee River! As a concerned citizen and river enthusiast, I am writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaguing the Caloosahatchee River, our estuaries, and offshore in the Gulf of Mexico. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

In order to do so, I urge you to store water for water supply and irrigation outside the lake and manage the lake at permanently lower levers that mimic natural conditions.

The current water releases additionally sacrifice the river's water quality. The combination of re-suspended sediments and fertilizers has turned Lake Okeechobee water into a polluted mess, which is released regularly into the Caloosahatchee, and eventually reaches San Carlos Bay. This leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. Our beaches are littered with dead fish and decaying algae. We need to come up with a better solution for protecting both human health and the environmental integrity of the region.

We urge you to REJECT the Tentatively Selected Plan (TSP) and go back to the drawing board.

Sincerely, Lori Liston 3013 Del Prado Blvd #12 Cape Coral, FL 33904

Cc: Congressman Connie Mack IV Senator Bill Nelson Senator Mel Martinez

#### LORI LISTON

Office: (239) 945-3945 Cell: (239) 849-7712 Toll Free: (866) 948-3945 Fax: (239) 945-7810

10/4/2006

lori@allstaterealty.US

From: Sent: Kit Traverso [traverso1@comcast.net] Tuesday, September 26, 2006 10:57 AM

To:

Milam, J P SAJ

Subject:

Okechobee water releases

U.S. Army Corps of Engineers
Jacksonville District,
701 San Marco Blvd.
Jacksonville, FL 32207

Attn: Project Manager Pete Milam

RE: Lake Okeechobee Regulation Schedule Study (LORSS)

Please end toxic releases to the Caloosahatchee River! As a concerned

citizen and angler, I am writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaguing the Caloosahatchee River,

our estuaries, and offshore in the Gulf of Mexico. The proposed

Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

In order to do so, I urge you to store water for water supply and irrigation outside the lake and manage the lake at permanently lower levers that mimic natural conditions.

The current water releases additionally sacrifice the river's water quality.

The combination of re-suspended sediments and fertilizers has turned Lake Okeechobee water into a polluted mess, which is released regularly into the Caloosahatchee, and eventually reaches San Carlos Bay. This leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. Our beaches are littered with dead fish and decaying algae. We need to come up with a better solution for protecting both human health and the environmental integrity of the region.

I urge you to REJECT the Tentatively Selected Plan (TSP) and revisithe Corp.'s very own PLAN SIX which provides even further restoration of the South Florida ecosystem. The National Audubon Society and others recommended similar efforts. The beauty of Plan Six is that it gets down to basics and spells out specifics for the flowway. The Corps specified the bordering levees and the changes that could be made, and even calculatet the locks¹ enlargements to take south some four billion gallons a day out of the lake.

I am of the firm belief that the Corp. and South Florida Water Management District has made, and continues to make, a colossal mistake by ignoring the flowway idea.

Sincerely, Kit Traverso 6718 Griffin Blvd. Fort Myers, FL 33908 Ph. 239.410.5170

Fax 239.489.1272

email: traverso1@comcast.net

Cc: Congressman Connie Mack IV

Senator Bill Nelson

Senator Mel Martinez

From:

Kathleen Lieser [klieser@verizon.net]

Sent:

Monday, September 25, 2006 8:45 PM

To: Subject: Milam, J P SAJ Lake Okeechobee

Please stop the continued release of polluted waters from Lake Okeechobee into our estuaries and waterways. The resulting devastation and damage trickles down through all animal and plant life killing or nearly destroying everything in it's wake. At the very least it changes all of life in every form as we know it in the affected areas. This has been an ongoing problem for years and only grows worse with growing populations along the gulf and continuing release of polluted water.

Please find other methods of disposing of this toxic water to help to ensure a healthy environmental ecosystem in SW Florida which will result a healthy and safe environment overall and in turn improved short and long term in tourism activities for all of us who live here and visitors from all over the world. If nothing else, please consider our children's children and what we are leaving them for a future life here in this beautiful part of the country.

Thank You for your time,

Kathleen Lieser

**Property Owner** 

Captiva Island, Florida

From: Carl Jervis [cjervis@sellstatepineisland.com]

Sent: Monday, September 25, 2006 2:17 PM

To: Milam, J P SAJ Subject: Lake O Release

Dear Mr. Milam,

As a concerned citizen and river enthusiast, I am writing to urge you to reduce the harmful discharges from Lake Okeechobee that are plaging the Caloosahatchee River, our estuaries, and offshore in the Gulf of Mexico. The proposed Tentatively Selected Plan (TSP) actually increases the number of harmful large releases to allow even more water to be dumped on Southwest Florida.

In order to do so, I urge you to store water for supply and irrigation outside the lake and manage the lake at permanently lower levels that mimic natural conditions.

The current water releases additionally sacrifice the river's water quality. The combination of re-suspended sediments and fertilizers has turned Lake Okeechobee water into a polluted mess, which is released regularly into the Caloosahatchee, and eventually reaches San Carlos Bay. This leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. Our beaches are littered with dead fish and decaying algae. We need to come up with a better solution for protecting both human health and the environmental integrity of the region. We urge you to REJECT the Tentatively Selected Plan and go back to the drawing board.

Thank you,

Carl Jervis

Sellstate Island Realty Pine Island 239-282-5200



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Carl Jervis-Broker/Sellstate Island Realty-Pine Island 3366 Stringfellow Rd. St James City Fl. 33956

Phone-Office: 239-282-5200 Phone Cell: 239-246-7887

email: cjervis@sellstatepineisland.com website: http://www.sellstatepineisland.com

# Carl Jervis-Broker/Sellstate Island Realty at Burnt Store-Cape Coral Publix Center at Burnt Store and Pine Island Roads

Phone-Office: 239-282-8454 Phone Cell: 239-246-7887

email: cjervis@sellstatecapecoral.com website: http://www.sellstatecapecoral.com

From: Vivienne Radigan [vivradigan@earthlink.net]

Sent: Sunday, September 24, 2006 8:37 PM

To: Milam, J P SAJ

Subject: Fw: Change Lake O water release

Subject: Change Lake O water release

I live, work and invest in Southwest Florida. I have been here over 27 years and things are changing for the worse as far as water quality. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

- recognize the damage already done to SWFL by your previous releases
- prevent water releases that exceed your own biologists' recommendations
- base decisions on current wet cycle data not outdated data
- more equitably plan for discharges in multiple directions not forcing the Caloosahatchee River to take the biggest hit

Our whole west coast as we know it is going to be devastated with further releases. The tourists will not be returning and the quality of life will be poor for everyone and for the wildlife we are charged with protecting.

Vivienne and Bob Radigan Realtors and residents for over 25years 742 Pyrula Avenue Sanibel, FL 33957

From: M11Berg@aol.com

Sent: Sunday, September 24, 2006 7:15 AM

To: Milam, J P SAJ

Subject: Lake Okeechobee water releases

Dear Mr. Milam,

I am writing about the Army Corps of Engineers possible plan to revise the way in which Lake Okeechobee water releases are managed for the next 3 years. The current proposed plan focuses solely on the health of Lake Okeechobee, virtually ignoring negative impacts to the Caloosahatchee River, area estuaries and the SW Florida gulf.

We have been owners of a nice Gulf front condo on Sanibel Island since 1997 and have been enjoying the beauty of the islands and the clear waters surrounding the islands since 1995.

In the last few years we unfortunately had to witness the water and beach conditions going down due to algae and dead fish - in the beginning just a few days but no improvements after all. The reason: the water releases from Lake Okeechobee.

Like many other condo owners we are renting out the condo while we are not vacationing there. Referring to the worsening conditions this is getting more and more difficult or even imposssible. This year alone we had to face 3 cancellations of bookings due to the actual water quality including a long term renter who came for the last 7 years and each time stayed for 4-6 weeks. Now they are planning their vacations somewhere else, where water quality is not an issue. This is just a single example how the water releases are affecting tourism in SWF. Loosing tourists may end in closing businesses and declining property values, thus in lower income taxes as well as property taxes.

The currently proposed plan of the Army Corps of Engineers will, if adopted, make the situation worse and further damage the estuaries, causing continued episodes of algae overgrowth with profound repercussions to the entire ecosystem, thus hurting the economy too.

A plan must be adopted that better protect estuaries, includes the health of estuaries in day-to-day management decisions, and more equitably plans for discharges in multiple directions-not just targeting the Caloosahatchee River. Protecting the health of downstream ecosystems and the people affected by releases from Lake Okeechobee must be a priority equal to protecting the health of the lake itself.

As a SW Florida home owner, I strongly urge you to ensure that any plan adopted for future releases from Lake Okeechobee will take into account the impacts of such releases on the receiving waterways and that the health of the receiving ecosystem will be protected with the same vigor as the health of Lake Okeechobee. Both affect vital resources and people.

Sincerely,

Michael Berg 201 Sandpiper Beach 1919 Olde Middle Gulf Dr. 33957 Sanibel, Florida

from Hainstrasse 9 61476 Kronberg im Taunus Germany

From: karasue@comcast.net

Sent: Friday, September 22, 2006 1:54 PM

To: Milam, J P SAJ

Cc: jk5052@msn.com; kcuscaden@hotmail.com

Subject: FW: Lake Okeechobee Water Releases

## Greetings from Sanibel!

I was unable to attend the meeting a week ago Thursday in downtown Ft. Myers due to a conflict with the Florida Association of Realtors annual convention over on the east coast of Florida.

However, I would like to say that the water releases from Lake "O" are slowly but surely destroying our river, estuaries and now affecting greatly the gulf waters. I have been coming here since you had to ride a ferry boat over to the islands. Never once in my vocabulary as a young adult did we have the word red tides, or never once did I ever see the beaches the way they have looked over the past couple of years.

I am in real estate on the islands and have a true passion for what I do! Quite frankly though, I took a walk on the beach this past weekend and it was awful. The red algae/tide made it almost impossible to have a pleasant walk. I thought that if I were a vacationer coming here for the first time (tourism being one of Florida's hugest source of revenue!), I would probably never come back. You didn't want to go swimming, you couldn't even see shells washing up on the beach, where are the dolphin????? It is despicable!

I have attended some of the meetings and listened to what you folks have to say about how the releases are going to be handled and all your so-called proposals, and it is all so political! The Army Corp of Engineers could care less about this beautiful area that is being destroyed.

I invite you to come down here and take a walk with me on the beach, it would be an eye opener for you, I promise! The attached email is from my sister and I have two other sisters whom would feel the same way if they were here right now....maybe you will hear from them too!

Saddened by what you are doing to our Mother Earth.....

Kara "KC" Cuscaden Sales Associate, VIP Realty Group, Inc. Toll free 866-472-7800 ext. 274 Cell Phone 239-470-1516

-----Forwarded Message: -----

From: Cathy <island@sanibel-captiva.org>

To: publicmail.cesaj-cc@saj02.usace.army.mil, karasue@comcast.net, mikesanibel@aol.com

Subject: Lake Okeechobee Water Releases Date: Fri, 22 Sep 2006 16:01:57 +0000

I have been coming to Sanibel-Captiva since 1958. I even rode the ferry over. All of our family reunions have always been held here. I think it is a disgrace of the water quality today due to the release of water from Lake Okeechobee. The water here had always been a blue green color. You could stand up to your neck in the water and see your toes.

It was spectacular. The water is so brown today you can't see your feet in ankle high water. The algae is disgusting. We never had red tide here years ago. It is sad to see the tourism declining when we advertise such beautiful waters on our islands. You are killing our future for tourism, our jobs, our real estate and our islands. Driving over the causeway I noticed a jet ski with disgusting brown water shooting out of it. I work for the Sanibel-Captiva Chamber of Commerce. What do you expect us to tell the visitors on the one vacation they have a year and they can't even go swimming in the gulf from the red tide, red algae and dead fish all over the beach and burning eyes and coughing? Would you like to save your money all year long to plan on a wonderful vacation to come here and have this happen to you? Maybe you could donate a few billion dollars towards the clean up of our waters on Sanibel-Captiva islands. This condition is getting continually worse. This is not only affecting us, it is also affecting most of southwest Florida. How can you all keep denying that these water releases from Lake Okeechobee have nothing to do with the water conditions we have here now? Why don't you jump on a plane and come down and see for yourself (it's a disgusting aerial sight to see). Imagine what it is like in person for us and the vacationing visitors coming to our islands. I know I'm just one person voicing my opinion, but hope there are thousands of others responding to this with the hope that these water releases will stop.

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:54 AM

To: Milam, J P SAJ Subject: FW: Our Waters

**From:** BBThomps@aol.com [mailto:BBThomps@aol.com]

Sent: Monday, September 11, 2006 9:32 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Our Waters

Dear Sir,

I am writing this to urge that you give immediate attention to the pollution of our bays and gulf waters by the runoff from Lake Okeechobee. Our beahes have been impacted by huge piles of dead sea grasses and dead fish. This is unsightly and the odor is most unpleasant.

We are losing our tourist visitors which are the economic heart of this island. The proposed plan--the Lake Okeechobee Regulation Schedule Study needs to be changed. Please keep water releases within your own bilogists accepted limits. Our very livelihood depends on it.

Thank you for your consideration.

Sincerely yours,

Beverly A. Thompson 4265 West Gulf Dr. Sanibel, FI 33957

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:50 AM

To: Milam, J P SAJ

Subject: FW: Lake O Release schedule

From: Davbath@aol.com [mailto:Davbath@aol.com]

Sent: Monday, September 11, 2006 5:20 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Lake O Release schedule

As a Sanibel resident, I urge you to reduce your proposed water releases down the Caloosahatchee River. Our environment is hurting badly from the excessive releases of 2004 and 2005.

Thank you, David Bath.

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:49 AM

To: Milam, J P SAJ

Subject: FW: Lake Okeechobee Regulation Schedule

From: Valorie Babb [mailto:babbval@srt.com] Sent: Monday, September 11, 2006 2:10 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee Regulation Schedule

Please set the release schedule from Lake Okeechobee into the estuaries so that they do NOT exceed the limit set by marine biologists for environmental safety. It is imperative for the health and welfare of the environment and of the people who live and the tourists who play in our beautiful state. The protocol must maintain the Lake at a lower level so that low-level releases are sent down the Caloosahatchee and in all other directions. Use the land owned by the Water Management Board and by the Corp to store excess water when necessary. The damage already done to our estuaries, to our coast line, and to our beautiful state is a travesty. Please do not compound the errors.

Jim and Val Babb 1622 Serenity Lane Sanibel, FL 33957

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:49 AM

To: Milam, J P SAJ

Subject: FW: 2007-2010 LAKE OKEECHOBEE REGULATION SCHEDULE

From: Sharon Whipple [mailto:lumencs@newnorth.net]

Sent: Monday, September 11, 2006 12:28 PM

To: CESAJ-CC, PublicMail SAJ

Subject: 2007-2010 LAKE OKEECHOBEE REGULATION SCHEDULE

I am a concerned citizen living in the Naples area and I am very concerned about the effect on our area beaches from excessive releases from Lake Okeechobee into the Caloosahatchee River.

The 2007-2010 Lake Okeechobee Regulation Schedule must not permit releases into the estuaries that exceed biologist's limits for environmental safety. The Corps protocol must maintain the Lake level by having ongoing low-level releases sent in **all** directions--not just down the Caloosahatchee River. There is land owned by the Water Management and by the Corps where excess water can be stored in emergencies and this should be made part of their regulation plan, now.

The impact in our area from massive releases down the Caloosahatchee is devastating to the beauty of our area and effects our quality of life. It also has a huge impact on the major life blood of the area economy which is tourism. Please keep this in mind when forming the new Lake Okeechobee Regulation Schedule. Thank you.

Sharon Whipple Naples, FL

From:

Sticht, Nancy J SAJ

Sent:

Tuesday, September 12, 2006 9:49 AM

To:

Milam, J P SAJ

Subject: FW: lake o discharges

From: wldheartsd@aol.com [mailto:wldheartsd@aol.com]

Sent: Monday, September 11, 2006 10:16 AM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** lake o discharges

I strongly believe we are at a point of no return environmentally if you continue to make these killing releases of contaminated water to the estuary.

I want to be on record to please do something right for a change and quit killing our environment.

Sincerely, Susan Dunn Native Floridian

It"s A DUNN DEAL! Susan Dunn Anytime cell 239-671-6381 www.ISellSanibel.com

<u>Check out the new AOL</u>. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:48 AM

To: Milam, J P SAJ

Subject: FW: Lake O releaseses to SW Florida

----Original Message----

From: ricknye@sprynet.com [mailto:ricknye@sprynet.com]

Sent: Monday, September 11, 2006 10:15 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O releaseses to SW Florida

Pete Milam, Project Manager US Army Corps of Engineers

Dear Mr. Milam:

I have not written on the subject of releasing water from Lake Okeechobee into the Caloosahatchee River before, although my wife and I have been very concerned; the timing now seems critical. We moved to SW Florida several years ago and live here full-time on Sanibel Island. We are investors and have stared a business in Ft. Myers that is building affordable housing and commercial buildings in addition to being active real estate investors personally in restoring canal front properties throughout the area.

The chain of events and linkages between our economy and the Caloosahatchee estuary needs to be better understood and appreciated as a serious issue. Carla Johnson put it very well in connecting sea grasses and fish spawning all the way through the process of fishing, commercial fishing, reduced bird population, impact on sw florida lifestyle, reduced tourism, impact on the real estate market and real estate development and a negative impact on our overall economy. Our primary economic base is related to this; something I can clearly see as a full-time resident and business investor. In addition to direct economic harm a very negative impact on the overall quality of life for families throughout the area results.

I am asking you for a modification of the TSP plan on an interim basis to protect both the dike and the estuary until there is general agreement as to the possible compromise agreements that can protect the majority of interests of the most critical parties to this issue.

I ask that you: understand that SW Florida has already sustained damage from earlier releases (direct observation substantiates this throughout the chain mentioned above from fishing guides through business impacts - these are not hearsay problems); prevent releases that exceed your biologists recommendations; base decisions on current wet cycle data, not outdated data; and establish an equitable plan for releases in mutiple directions - not forcing the Caloosahatchee to take the biggest hit. Considering the history of inlfows and outflows before the Caloosahatchee was a big factor, the natural processes involved were able to filter out much of the harmful properties that impact our estuary when directly released in large quantities.

Suggestion: I have not read of a varying TSP based on forecasted "wet/dry" years. Would it be possible to establish a release schedule that has variable adjustments throughout the entire plan and elements including lake levels, storage options, with saftey valves including increased releases to all entities including fields for the most extreme cases?

Since we will not be in the state for the public comment period, I wanted to put our thoughts down as concerned citizens of the area. Thank you inadvance for consideration of our comments.

Rick & Dee Dee Nye

Fredrick and Rosemarie Nye 783 Limpet Drive Sanible, FL 33957

From: Sticht, I

Sticht, Nancy J SAJ

Sent:

Tuesday, September 12, 2006 9:48 AM

To:

Milam, J P SAJ

Subject: FW: Water release

From: Monica Fields [mailto:mosunnydaze@yahoo.com]

Sent: Monday, September 11, 2006 9:29 AM

To: CESAJ-CC, PublicMail SAJ

Cc: Aaron

Subject: Water release

To whom it may concern:

My family lives on Sanibel year round. We ask you to modify your 2007-2010 Lake O release schedule to focus on protecting the Caloosahatchee River and estuary. Please consider the following:

- Past damage already inflicted on Southwest Florida by previous releases;
- Prevent water releases that exceed your own biologists' recommendations;
- Base decisions on current wet cycle data, not outdated data; and
- Develop a more equitable plan for discharges in multiple directions, not forcing the Caloosahatchee River to take the biggest hit.

Each year we watch the piles of red algae and live with the respiratory effects of red tide. We are unable to enjoy the beach and boating during these times. Likewise tourist leave our area to travel to other beaches and plan not to return. This really hurts our community financially.

MORE IMPORTANTLY are the effects to the wildlife. Some of the damage is not reversible and the loss of the beautiful and precious wildlife in this area should be considered.

You have the knowledge, the skills and the resources to make the best decisions. PLEASE use these to help Florida. Thank you for your time and consideration.

Sincerely, Dr. and Mrs. Aaron Fields 1657 Atlanta Plaza Drive Sanibel, FL 33957 (239) 395-3443

Want to be your own boss? Learn how on Yahoo! Small Business.

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:48 AM

To: Milam, J P SAJ

Subject: FW: Comment on proposed Lake Okeechobee Regulation Release Schedule

From: Barbara Joy Cooley [mailto:bjoycooley@comcast.net]

Sent: Monday, September 11, 2006 4:25 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Comment on proposed Lake Okeechobee Regulation Release Schedule

I object to the Army Corp's proposed Lake Okeechobee Regulation Release Schedule. The 2007-2010 Lake Okeechobee Regulation Schedule must not permit releases into the Caloosahatchee estuaries that exceed biologist's limits for environmental safety. The Corps protocol must maintain the Lake at a level low by having ongoing low-level releases sent in all directions--not just down the Caloosahatchee. There is land owned by the Water Management and by the Corps where excess water can be stored in emergencies and this should be made part of their regulation schedule. More water should be sent SOUTH, for lake regulation, not just for water supply.

Barbara Joy Cooley bjoycooley@comcast.net 4241 Old Banyan Way Sanibel, FL 33957 239-472-8568 Web www.b2cool.com

From:

Sticht, Nancy J SAJ

Sent:

Tuesday, September 12, 2006 9:48 AM

To:

Milam, J P SAJ

Subject:

FW: 2007 through 2010 Water Releases from Lake Okeechobee

-----Original Message-----

From: Gail Migliorini [mailto:gailandre@hotmail.com]

Sent: Monday, September 11, 2006 2:16 AM

To: CESAJ-CC, PublicMail SAJ

Subject: 2007 through 2010 Water Releases from Lake Okeechobee

To Whom it May Concern,

It is my understanding that an upcoming commission meeting of the Lee Country Commissioners will address the Corp's releases of water from Lake Okeechochobee. As a concerened resident of Sanibel, I would urge you to push for Lake Okeechobee Regulation Schedules that will not permit releases into our estuaries that exceed biologist's limits for envornmental safety.

The Army Corp of Engineers must be made to push the ongoing low-level releases in all directions, not just down the Caloosahatchee. There is land owned by the SWFWM and the Corp where excess water can be stored in emergencies and this should be part of their regulation plan today and through 2010.

Sincerely,

Gail A. Migliorini 1622 Serenity Lane Sanibel, FL 33957

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:47 AM

To: Milam, J P SAJ

Subject: FW: Lee County Commissioners

**From:** Bubeola@aol.com [mailto:Bubeola@aol.com]

Sent: Sunday, September 10, 2006 9:13 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Lee County Commissioners

The 2007-2010 Lake Okeechobee Regulation
Schedule must not permit releases into the estuaries that exceed
biologist's limits for environmental safety. The Corps protocol must
maintain the Lake at a level low by having ongoing low-level releases
sent in all directions--not just down the Caloosahatchee. There is land
owned by the Water Management and by the Corps where excess water can be stored in emergencies
and this should be made part of their regulation plan, now.
If you don't correct this situation now it will soon be too late.

Miriam Kaplan 740 Durion Court Sanibel, FL 33957 bubeola@aol.com

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:47 AM

To: Milam, J P SAJ

Subject: FW: Lake Okeechobee and Everglades Agricultural Area Water Control Plan

**From:** Lorraine Capps [mailto:pawsitter@msn.com] **Sent:** Saturday, September 09, 2006 10:32 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee and Everglades Agricultural Area Water Control Plan

We live, work ad invest in Southwest Florida. We ask you to modify your 2007-2010 Lake O release schedule to meet your own objectives and to protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary. Please:

- Recognize the damage already inflicted on Southwest Florida by your previous releases;
- Prevent water releases that exceed your own biologists' recommendations;
- Base decisions on current wet cycle data, not outdated data; and
- Develop a more equitable plan for discharges in multiple directions, not forcing the Caloosahatchee River to take the biggest hit.

We have had numerous friends who were planning a visit to Sanibel inquire first about the condition of the beaches. Some decided not to visit Sanibel because of the horrible condition of the water and the beaches. It amazes us that this is happening to Sanibel, the jewel of Floridal Ding Darling National Wildlife Refuge is taking a horrible hit from the Lake O releases and will soon be destroyed.

We met a young family last week who were desperately driving all over Sanibel to find a beach that was not covered with mounds of red drift algae. They were extremely frustrated because they could not find a suitable place for their family to enjoy the beach. They told us they would not be returning to Sanibel as a result of their disturbing experience.

Please save Southwest Florida while there is still time.

Lorraine & Doug Capps 1295 Par View Drive Sanibel, FL 33957 239-395-3666 phone 239-989-3952 L's cell 239-989-3956 D's cell pawsitter@msn.com

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:47 AM

To: Milam, J P SAJ
Subject: FW: Lake O

From: Susie Kentner [mailto:skentner@comcast.net]

Sent: Saturday, September 09, 2006 9:53 AM

**To:** CESAJ-CC, PublicMail SAJ **Cc:** jeb.bush@myflorida.com

Subject: Lake O

We live on San Carlos Bay and observe the water conditions in the bay. It is not good and isn't getting any better. It is so important for our property values and tourism to keep the water in balance. Please maintain the Lake O water releases within your biologists accepted limits.

Susie Kentner

From: Sticht, Nancy J SAJ

Sent: Tuesday, September 12, 2006 9:47 AM

To: Milam, J P SAJ Subject: FW: Lake O

From: Sanibelske@aol.com [mailto:Sanibelske@aol.com]

Sent: Saturday, September 09, 2006 8:03 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O

#### Dear Sirs:

As a concerned citizen of Sanibel and an enthusiastic fisherman, I am requesting that you change your release plan to meet all environmental standards and limits.

I have first hand knowledge of the degrading environment of San Carlos Bay. This must stop now!

Thank you. Steve E Sanibel, Fl

From:

Sticht, Nancy J SAJ

Sent:

Tuesday, September 12, 2006 9:46 AM

To:

Milam, J P SAJ

Subject:

FW: Lake O release schedule

----Original Message-----

From: judi jackson [mailto:larrynjudi@msn.com] Sent: Friday, September 08, 2006 8:32 PM

To: CESAJ-CC, PublicMail SAJ Subject: Lake O release schedule

I live and work and invest in Southwest Florida. I ask you to modify your plan 2007-2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee Rive and estuary. Your job is protect both the dike and the estuary. Please:

\*Recognize the damage already done to Southwest Florida by your previous releases.

\*Prevent water releases tha exceed your own biologists' recommendations \*Base decisions on current west cycle data -not outdated data \*More equitable plan for discharges in multiple directions -- not forcing the Caloosahatchee River to take the biggest hit.

Judith M. Jackson 1519 San Carlos Bay Drive Sanibel, FL 33957

From: Merwin Zitomer [merwin123@verizon.net]

Sent: Tuesday, September 05, 2006 10:55 AM

To: Milam, J P SAJ

Subject: Lake Okeechobee

Dear Mr. Milam:

I am writing about the Army Corps of Engineers possible plan to revise the way in which the Lake's water releases are managed.

The current proposed plan focuses solely on the health of the lake, virtually ignoring the negative impacts to the Caloosahatchee River area estuaries and the Southwest Florida Gulf. The proposed plan will further damage the estuaries causing continued episodes of algae overgrowth and profound repercussions to the entire ecosystem. A plan must be adopted that better protects estuaries and includes the health of estuaries in day-to-day management decisions and more equitably plans for discharges in multiple directions, not just targeting the Caloosahatchee River.

As a Southwest Florida homeowner, I strongly urge you and your committee to adopt such measures in your plan.

Sincerely,

Merwin and Marilyn Zitomer 1919 Olde Middle Gulf Drive, Unit #204 Sanibel, FL 31397

I am using the free version of SPAMfighter for private users. It has removed 54 spam emails to date. Paying users do not have this message in their emails. Try SPAMfighter for free now!

From: Scott Mcgee [Smcgee@hcsmlaw.com]

Sent: Monday, September 04, 2006 9:15 AM

To: Robbins, Erica A SAJ; cberger@sfwmd.gov; P.L.Grosskruger@saj02.usace.army.mil; jeb.bush@myflorida.com;

Milam, J P SAJ

Cc: Ronald Hicks; Dr. Merwin Zitomer; Margaret & Steven Williams; Bill Williams; Branford Shinkle, IV; Betty & Bill

Shaw; Mr. & Mrs. Michael Schwander; Dr. Steven Reinsdoef; Mr. and Mrs. Mark Reinhardt; Jean Reigle; Rosemary Pariseault; Mr. & Mrs. Lawrence M. Jarvis; Mr. & Mrs. James L. Turner; Scott Mcgee; Chris and Lucien Layne; Bernard S. Kubale; jthomascook; Mr. and Mrs. Tom A. Smith Jr.; Ronald Hicks; Harry Hicks; Mrs. Barbara Hibbard; George Cuthbert; BANK ONE TRUST COMPANY; Gary Cavazzi; Dominick Carillo; Mary Ann Boynton;

John W. Boynton; Virginia Bowen; Michael Berg; Sheryl Ciulla

Subject: Lake Okeechobee water releases

Dear Governor Bush, Ms. Wehle and Ms. Robbins and Messrs. Grosskruger and Milam:

My wife and I own a part-time residence on Sanibel Island and my parents live year-round in near-by Fort Myers. We are writing to request that the planning for further water releases from Lake Okeechobee take into account the impacts of the releases on the Caloosahatchee River, affected estuaries and the Gulf of Mexico. Avoiding or minimizing the impacts of these water releases on surrounding lands and ecosystems and on neighboring communities and properties should be a goal of any plan for future releases.

The plan now under consideration would, if adopted, cause further damage to estuaries leading to continued overgrowths of algae and resultant degradation of downstream water resources, Gulf habitat and surrounding lands. Protecting the health of downstream ecosystems and the people affected by releases from Lake Okeechobee must be a priority equal to protecting the health of the lake itself.

Please ensure that any plan adopted for future releases from Lake Okeechobee will take into account the impacts of such releases on the receiving waterways and that the health of the receiving ecosystems will be protected with the same vigor as the health of Lake Okeechobee. Both affect vital resources and people.

Sincerely.

Scott McGee

Scott and Cathy McGee Sandpiper Beach Condominium, Unit 203 1919 Olde Middle Gulf Drive Sanibel, Florida

From: Sent: Thomas Ciulla [thomasciulla@yahoo.com] Monday, September 04, 2006 8:01 AM

To:

Milam, J P SAJ

Subject:

Lake Okeechobee water releases

Dear Mr. Milam,

I am writing about the Army Corps of Engineers possible plan to revise the way in which Lake Okeechobee water releases are managed for the next 3 years. The current proposed plan focuses solely on the health of Lake Okeechobee, virtually ignoring negative impacts to the Caloosahatchee River, area estuaries and the SW Florida gulf.

This currently proposed plan will further damage the estuaries, causing continued episodes of algae overgrowth with profound repercussions to the entire ecosystem.

A plan must be adopted that better protect estuaries, includes the health of estuaries in day-to-day management decisions, an more equitably plans for discharges in multiple directions-not just targeting the Caloosahatchee River

As a SW Florida home owner, I strongly urge you and your committee to adopt such measures in your plan.

### Sincerely,

Thomas A. Ciulla, M.D. http://www.indianaretina.com http://www.ciulla.eyemd.org Retina
Service, Midwest Eye Institute Methodist Medical Plaza North 201 Pennsylvania Parkway Indianapolis, IN 46280
Telephone 317 817 1822
Fascimile 317 817 1898

From: CarmelsPlace@aol.com

Sent: Friday, August 18, 2006 1:39 PM

To: Milam, J P SAJ

Subject: Water Quality Issue

I have lived on Sanibel and Captiva islands for the last 20 years and have watched the water quality and marine life be impacted by red tide, respiratory problems for humans and marine life. Thousands of dead fish are floating in the canals several times of the year. An unbelievable toxic smell arises from the dead fish. No fishing, swimming, canoeing or other water sports can occur in this environment. People have to make a living and the present manner of water management in Southwest Florida is threatening the way of life for many. It impacts our property values, job opportunities and the quality of life. If you lived here you would stop talking and do something to change the present situation. We do not need estuary releases - STOP- NOW - TODAY - the changes need to occur for Southwest Florida.

Carmel Casale

From: roger levey [rogerlevey@rcn.com]

Sent: Wednesday, August 02, 2006 4:24 PM

To: Milam, J P SAJ

Cc: carlajohnston@earthlink.net

Subject: Proposed Okeechobee Water Release Plan

I am repeating my earlier message to you (to which I've had no reply) for the record:

This proposal is outrageous in its total disregard for the water quality of the Southwest Florida Gulf and it's estuaries. Don't you people listen? Don't you care?

Have some shame and show some spine!

Roger L. Levey 748 Donax Street Sanibel, FL 33957

From: DIANEBOSSLE@aoi.com

Sent: Monday, July 31, 2006 5:24 PM

To: Milam, J P SAJ

Subject: Lake Okeechobee releases

I am writing as a very concerned citizen of Florida, who has been a property owner in Sanibel for 20 years, and a visitor to SW Florida much longer than that. I can't begin to describe to you the degradation of the SW Florida waterways and beaches that I have witnessed in the last few years. I have been horrified by fish kills that defy imagination in the scope and volume of all they kill; red algae coating the beach 10 feet wide, two feet deep, rotting and stinking; green algae filling the water turning it an unearthly color while tiny dead sand dollars crunch under your feet; brown smelly water fouling Sanibel beaches; death to the sea grass and wild life of Ding Darling.

All of it attributable to the "managing" of Lake Okeechobee by the Army Corp and the South Florida water management.

There <u>has</u> to be a better way. If something has to die to save the lake, let it be big sugar. The lake didn't become bad overnight, you can't fix it overnight. Manage the releases so that you don't leave death in your path.

Now, you are the folks that gave us the New Orleans levy system. Don't you think you can do better this time? Even if you don't give a darn for the ecological impact, do you have any appreciation for the economic hardship you are inflicting on this area? You are poised to kill tourism.

Diane Bossle Sanibel Florida and Davie Florida

From:

jdfoskett@att.net

Sent:

Sunday, July 23, 2006 11:12 AM

To:

Milam, J P SAJ

Subject:

Lake Okeechobee water releases

Dear Project Manager Milam, As a resident of Sanibel, FL since 1974, I'm contacting you to voice my growing concern over the degradation of water quality in the bays and rivers of our area. It is my understanding that effluent from Lake Okeechobee carried by the Caloosahatchee and other estuaries into our surrounding waters is a principle contributing factor and I urge you to give this problem the priority it deserves as a crucial factor in the development of a revised water management plan for the Lake. It seems to me that curing Lake Okeechobee problems by creating peripheral problems elsewhere is not a sensible or acceptable solution. Thank you for your attention to this matter. Sincerely, John D. Foskett

From: lamfossilchic@aol.com

Sent: Sunday, July 23, 2006 11:02 AM

To: Milam, J P SAJ

Subject: Caloosahatchee River

#### Dear Sir.

It has been brought to my attention that the new plan for water release from Lake Okeechobee will do even more damage to our river, estauries and the gulf. The health of Lake Okeechobee is important, but so is the health of our area, which is being severely damaged by the nutrient levels in the water that is released.

I am an environmetal science student. The reason I have choosen this field of study is partially do to death of our river, and estuaries. There has been an increasing loss of fish and wildlife. I have witnessed part of the river that are completely dead, including all life in the water, and even the plant life along the banks. The algae blooms are becoming increasingly worse, as more water is released. If this continues, we may never be able to restore the damage that is done.

Please reconsider your plan. The natural flow needs to be restored, releasing water as it should be. The lake is not a toilet, and we are not a septic tank.

Thank you,

Honey Archey

From: Sent: Jack Turner [jturner@frognet.net] Saturday, July 22, 2006 5:10 PM

To:

Milam, J P SAJ

Cc: Subject: ron@sandpiperbeach.com
Okeechobee water releases

Dear Officer Milam,

I am the owner of a gulf front home on Sanibel Island, Florida. As I am sure you are well aware, the excessive water releases from Lake Okeechobee which are rich in nutrient runoff from farms and fields are causing serious damage to the estuaries, bays and gulf in the Ft Myers area. Dead fish including large tarpon continue to wash up on our shores, in evidence of the serious damage these releases are causing to water quality, boating, fishing and tourism in the coastal area, especially on Sanibel Island, which is close to the mouth of the estuary. My wife and I kayaked on the Okeechobee Waterway for five days last December and the extent of the water releases was quite evident. It is a sad state of affairs that the water releases are still excessive eight months later, and that the deleterious effect they have has worsened to an alarming degree. The harm these releases have done to Ding Darling National Wildlife Reserve, a true national treasure, is especially disheartening and distressing.

I wish to add my voice to that of the City of Sanibel, the Sanibel-Captiva Chamber of Commerce, the Conservation Foundation, residents and visitors alike in saying enough is too much. The level of the lake has been reduced, and the releases must be stopped. Steps should be taken to change the flood control system and the environment in and around the lake to obviate the need for such potent releases in the future without damaging any of our rivers, glades, bays and other fragile natural resources. Meanwhile, if further releases might become at all necessary, the waters need to be diverted to other channels than the Caloosahatchee, which has received far more than its share, causing terrible damage to the coastal area.

By responding in positive fashion to our call to correct this critical problem, you can earn the appreciation of the entire population of Southwest Florida. We offer our thanks in advance in anticipation that you will be instrumental in stopping the releases and finding long term solutions to this extremely serious problem.

Sincerely,

Jack Turner Sanibel, Florida

From:

Thomas Ciulla [thomasciulla@yahoo.com]

Sent:

Tuesday, July 18, 2006 10:00 PM

To:

Milam, J P SAJ

Cc:

Ronald Hicks; Sheryl Ciulla

Subject:

Lake Okeechobee water releases

Dear Mr. Milam,

I am writing about the Army Corps of Engineers possible plan to revise the way in which Lake Okeechobee water releases are managed for the next 3 years. The current proposed plan focuses solely on the health of Lake Okeechobee, virtually ignoring negative impacts to the Caloosahatchee River, area estuaries and the SW Florida gulf.

This currently proposed plan will further damage the estuaries, causing continued episodes of algae overgrowth with profound repercussions to the entire ecosystem.

A plan must be adopted that better protect estuaries, includes the health of estuaries in day-to-day management decisions, an more equitably plans for discharges in multiple directions-not just targeting the Caloosahatchee River

As a SW Florida home owner, I strongly urge you and your committee to adopt such measures in your plan.

Sincerely,

Thomas A. Ciulla, M.D.
http://www.indianaretina.com
http://www.ciulla.eyemd.org
Retina Service, Midwest Eye Institute
Methodist Medical Plaza North
201 Pennsylvania Parkway
Indianapolis, IN 46280
Telephone 317 817 1822
Fascimile 317 817 1898

From: Lori [molnarlori@earthlink.net]

Sent: Tuesday, July 18, 2006 11:50 AM

To: Milam, J P SAJ

Subject: Lake Okeechobee Releases

Mr. Milam,

As a resident of Sanibel, I strongly urge you to reconsider the new "improved" release plan which is in fact not improved but will affect our estuaries in an even more damaging way. I believe that these releases are the cause for the horrible red tide outbreaks we experience. This morning there is dead manatee and a dead 300 lb. Giant Grouper on the causeway islands, not to mention the hundreds of other dead fish that are washed ashore. In addition, the pollution and resulting red tide causes many respiratory problems to the residents and our many visitors that are an important part of our local economy.

I realize that the lake's levels must be reduced. Surely, there is some other way. I've always wondered why the water can't be treated and used for irrigation. Maybe the excess can be released so that the impact is shared among all Florida residents instead of just the Southwest area.

Please reconsider this plan. Please hear the voices of the Sanibel residents and it's city personnel. We all urge you to find a better solution.

Sincerely,

Lori Thompson PO Box 1811 Sanibel, FL 33957

From: Duke, Dennis R SAJ

Sent: Tuesday, July 18, 2006 8:41 AM

To: Vorse, Barry D SAJ; Sticht, Nancy J SAJ

Cc: Milam, J P SAJ

Subject: FW: Lake Okeechobee water release schedule Public Meeting Wednesday July 12, 2006

FYI in case you do not get.

Dennis

From: Paul Reynolds [mailto:PR@PaulReynolds.us]

Sent: Monday, July 17, 2006 4:56 PM

To: Paul Reynolds

Subject: Lake Okeechobee water release schedule Public Meeting Wednesday July 12, 2006

You are receiving the text version of the ourSanibel Newsletter because I believe you are in a position to help. I hope you will take a moment and share my outrage with elected officials and bureaucrats who got us in this fix and now sit back while it WORSENS.

#### The Bulldozer Bureaucrats

On November 14th, 2005 Col. Robert Carpenter of USACE stood before MORE of us in this same facility, the Lee County Courthouse, and admitted the water discharge plan is broken. He vowed that, by July 2006, they would come forward with a plan that would be fair for ALL stakeholders. Throwing out constraints, they would incorporate consideration of health of rivers and estuaries and present a plan sharing the adversity (their term) of the polluted, fresh water problem. Colonel Carpenter was spared the embarrassment of facing his untruth by Dennis Duke, who came in his place. Since both of these gentlemen are retiring soon, the natural sequence will likely be that Carpenter's replacement will come before us in a few months, shed a few crocodile tears, go back to the security of his office and, in some months, come forward with a plan that's "fair for all."

It's obviously a charade. Could there be more reliable proof of their intent to do nothing? We've waited since August 2004 for relief and for justice. Now as Condoleezza Rice says, "it's time to take justice to them". It's time to sue. Because we waited and trusted, it's PAST time to sue. Sanibel can't, PURRE won't, ergo Lee County MUST. The bottom line is that the Corps listened to public input and came up with a solution that is WORSE for us than the previous one. Obviously they listened to us. They are just not motivated to help. Once the big bulldozers are pointed with the Corps, it's career threatening to recommend change. The only argument I've heard against lawsuit is that it will end negotiation and discourse between the parties. My question is, what negotiation?

#### The Plan

Better bolt an IPIRB to your house and have the kids(grand?) fitted with permanent flotation devices. The Corps is spooked by Katrina. We learned that THEIR identified capacity for water discharge into the Caloosahatchee River is 12,000cfs, which is about double the worst it's been so far, and with the guys playing cover your fanny the new "cap" for Okeechobee is 17.5'. What that means is that if the Lake APPROACHES 17.5' a wall of water is going to be sent toward us that would make Moses turn and flee. If you think the long delayed Comprehensive Everglades Restoration Plan (CERP) is going to help, let me sum it up for you. That Plan has very little to do with restoring the Everglades, it is a program to develop water storage areas for the EAA and SE Florida (who doesn't need it). Anybody who thinks the solution to a huge problem such as our polluted Lake O is to make it bigger has suffered too much exposure to red tide. Many others, as well as myself, think Congress should take the CERP money and put a bunch of Elmer's Glue in the San Andreas Fault, or make a big cork plug for Mt.St. Helen's. Both of those solutions make more sense than CERP.

# My Outrage

It's disheartening to attend water discharge meetings and observe the apathy from the public. It stings to note the short attention span of our County newspaper, the News-Press. The "Stop the Muck" campaign ran for a couple of months and stopped. Most certainly it's due to public apathy. It's IRRITATING, however, to attend these meetings and note that the public officials who volunteered to serve and spent money to get elected, didn't bother to show up at CRITICAL events for our communities. This presentation was so vital to us that I'm submitting below the names of every elected official in attendance, to the best of my research, and the huge majority who I think SHOULD have been there. See <a href="https://www.oursanibel.com/noshows.htm">www.oursanibel.com/noshows.htm</a> for who was there and who should have been but wasn't. Please click here to contact those who can solve this problem with our encouragement <a href="https://www.oursanibel.com/contacts.htm">www.oursanibel.com/contacts.htm</a>.

# **Frequently Asked Questions**

The water has to go somewhere?

Yes it does, and it historically flowed to the South. It can and MUST flow that way again.

We can't flood private property?

We, the duped taxpaying public, provide free land to the ag industry called WSA's (water storage areas). Do you know what they use it for? They pump rainwater off the ag fields and dump it there. We can't utilize the WSA's because, thanks in part to the farmers, the water in Lake O is too polluted to go there. We don't need to flood the ag fields, we just need them to share some of this excess water that was stored for their exclusive benefit.

CERP is the solution?

It IS the answer if the problem is water storage for SE Florida. It is NOT the answer if the goal is to clean up Lake Okeechobee or save the St Lucie, the Caloosahatchee Rivers, or the estuaries.

Things have gotten better?

Well, sure they have for now, we've had a DROUGHT!

What can we do?

The answer to a fair solution is political. The people who represent the sugar industry are doing a FAR superior job to those who purport to represent us (see above article). We are not asking for any more than a plan that would share the consequences of a schedule designed to benefit the agricultural industry alone.

Why do I dislike and distrust SFWMD?

Out of the nine members of the Board two have direct ties to sugar industry, and shamefully one (Malcolm "Bubba" Wade) is even on the Board of US Sugar Corporation. Conflict of interest is clearly no hindrance to appointment to the Board of SFWMD.

What is the fair answer?

The Lake Activists and River and Estuary people have one, and only one, potential ally and that is the very unpredictable weather. A couple of 100-200 yard wide flow ways to the South, planted with nutrient collecting plants, would solve this problem forever, be of minor inconvenience to agriculture and be MUCH cheaper than CERP.

Who should sue, and who deserves suing?

We are the smallest town in Lee County. We can NOT bear this burden, that impacts all of Lee County, alone. It is County responsibility and they are well past due fulfilling their duty.

# Background letters and articles of interest:

Robert Coker of US Sugar speaks and several reply <a href="http://www.oursanibel.com/robertcoker.htm">http://www.oursanibel.com/robertcoker.htm</a>
Don't blame sugar farmers Robert Coker <a href="http://www.oursanibel.com/robertcoker2.htm">http://www.oursanibel.com/robertcoker2.htm</a>
Ray Judah responds to Robert Coker <a href="http://www.oursanibel.com/judah1.htm">http://www.oursanibel.com/judah1.htm</a>
PReynolds on "shared adversity" <a href="http://www.oursanibel.com/SFWMD1.htm">http://www.oursanibel.com/SFWMD1.htm</a>
Until sugar fields crumble, Rick Diamond <a href="http://www.oursanibel.com/rickdiamond.htm">http://www.oursanibel.com/rickdiamond.htm</a>
the politics of money <a href="http://www.oursanibel.com/fanjul.htm">http://www.oursanibel.com/fanjul.htm</a>

the \$8 million holdup <a href="http://www.oursanibel.com/gregrawl.htm">http://www.oursanibel.com/gregrawl.htm</a>
elect not appoint SFWMD <a href="http://www.oursanibel.com/brummerbill.htm">http://www.oursanibel.com/brummerbill.htm</a>
time to pull eminent domain on Big Sugar <a href="http://www.oursanibel.com/wickstrom.htm">http://www.oursanibel.com/wickstrom.htm</a>
report by PReynolds on water discharges <a href="http://www.oursanibel.com/watercommitteereport.htm">http://www.oursanibel.com/watercommitteereport.htm</a>
how "sweet" it is <a href="http://www.oursanibel.com/watercommitteereport.htm">http://www.oursanibel.com/watercommitteereport.htm</a>
Big trouble on the Big O <a href="http://www.oursanibel.com/Bigtrouble.htm">http://www.oursanibel.htm</a>
Corps of Engineers support flow ways <a href="http://www.oursanibel.com/EAAflow.htm">http://www.oursanibel.com/EAAflow.htm</a>
Ray Judah on sugar subsidies <a href="http://www.oursanibel.com/judah3.htm">http://www.oursanibel.com/judah3.htm</a>
some interesting stuff I've learned from this issue <a href="http://www.oursanibel.com/interestingstuff.htm">http://www.oursanibel.com/bubbawade.htm</a>
"Bubba" Wade speaks and Karl Wickstrom replies <a href="http://www.oursanibel.com/bubbawade.htm">http://www.oursanibel.com/bubbawade.htm</a>

If you have a response please feel free to reply to this email.

Paul Reynolds Sanibel

From:

Annie Vanderbilt [apooh@svskylan.net]

Sent:

Monday, July 17, 2006 3:17 PM

To: Subject: Milam, J P SAJ Lake Okeechobee Water Releases

Dear Mr. Milam:

As residents of Florida and registered voters on Sanibel Island we are appalled at the Army Corps' plan to revise Lake Okeechobee water releases without taking into consideration the devastating effects these releases will have on the Caloosahatchee River, area estuaries and the SW Florida Gulf.

As a result of the releases in 2005 our water quality plummetted, sea grasses were smothered by filamentous algae, the flocks of wading birds went elsewhere, and our entire Sanibel estuarial eco-zone was adversely impacted. Ding Darling Wildlife Refuge, which is internationally reknowned for its birds and wildlife, became a stagnant, oxygen-depleted death zone for many months. Tourists left as the birds departed and the fishing dropped off. What had been a healthy, thriving ecosystem was plunged into decline almost overnight.

Any plan you select must afford better protection for the estuaries impacted by the Lake Okeechobee overflow. The health of our waterways and bayous must be included in day-to-day magement decisions if a vibrant, healthy ecosystem is to survive in the waters surrounding Sanibel Island, in Ding Darling, in the Caloosahatchee River and other area estuaries. Please consider and adopt a more equitable plan of discharging overflow water in multiple directions so the health of the Caloosahatchee and our estuaries is not sacrificed for the health of Lake Okeechobee. There can be no justification for such an action.

We hope that the Army Corps will consider revising its "revised" plan and take into consideration the damage that has already been done to the Caloosahatchee River and Sanibel Island waterways and the havoc future targeted releases will wreak on our estuaries.

Sincerely, Ann and Bill Vanderbilt Sanibel Island, Florida apooh@svskylan.net

From: Dc1sanibel@aol.com

Sent: Monday, July 17, 2006 2:41 PM

To: Milam, J P SAJ

Subject: lake Okeechobee releases

Dear Mr. Milam,

I am greatly dissapointed in the Army Corps' latest plan to" manage" Lake Okeechobee water releases. It appears that Southwest florida, the Gulf of Mexico & the Caloosahatchee river will continue to bear the brunt of negative impacts from the release of this polluted water. This filthy water was not generated by our area & other areas must share in the distribution of this poison.

These discharges from the Lake are having a dreadful impact on our estuaries, our beaches, marine life etc. In short, this policy has a devastating impact on both our economy & our quality of life. People/ tourists wont come here to enjoy the algae, red tide & dead fish that wash up on the beaches or to go fishing and catch nothing but catfish.

We must come up with a plan that does not [ as the present plan does ] unfairly burden Southwest Florida, its estuaries, its economy and its health. Our lifestyle and our livlihood depend on water quality. The present water quality with continued releases seriously jeopardizes both and is the greatest danger Southwest Florida has faced in the 28 years I have lived here!

Sincerely,

Dan Cohn

From: Walter T Gangl [WTGangl@armstrong.com]

Sent: Sunday, July 16, 2006 5:31 PM

To: Milam, J P SAJ

Subject: Lake Okeechobee water releases

Project Manager Pete Milam j.p.milam@saj02.usace.army.mil U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, FL 32207-8175

#### Dear Mr Milam,

I regret that I was unable to attend the public hearing on the 12th. I offer these comments instead. I appreciate the situation that the Corps is trying to deal with, but the damage caused by releases from Okeechobee is worse than the problem you are dealing with.

I just returned from a week at our home in the Fort Myers area. As a former member of the American Society of Limnology and Oceanography holding graduate degrees in Biology and Physics, I am very concerned about the health of the waters in Gulf of Mexico due to discharges by the Corps from Lake Okeechobee. The waters and the beaches in the Ft. Myers area are inundated with algae caused by water releases from Okeechobee. During the past couple years, it has made my wife and me physically ill at times after spending time on or near the water. Our elderly relatives are even more seriously affected. Water releases from the lake to the Gulf need to be reduced dramatically to reverse the damage that has been done. The real problem lies with the obstruction of the southerly outlets from the lake. This has badly hurt the Everglades as you know, and blocked the natural exit of lake waters. Dumping those waters into the Gulf via the Caloosahatchee compounds the environmental damage by devastating the waters and beaches of the Gulf. Besides the public health issues, it is hurting fishing, tourism and damages the values of Gulf area businesses dependent on tourism.

The proper solution is to let the lake waters go where they used to, and help restore the natural beauty of the Everglades. The answer is not to create a new environmental, economic and public health disaster in the Gulf.

Thank you for bearing these factors in mind as the Corps sets its plans for Lake discharges in the future.

Respectfully, Walter Gangl

Florida address: Unit 122, 979 East Gulf Drive, Sanibel, FL 33579

Walter T. Gangl
Attorney at Law
144 Wilson Drive
Lancaster, PA 17603
wtgangl@armstrong.com
phone: 717.396.5003

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From: ecstringer@comcast.net

Sent: Sunday, July 16, 2006 4:46 PM

To: Milam, J P SAJ

Cc: bayouspreserv@gmail.com

Subject: Lake Okeechobee discharge plan--July 12, '06 Ft. Myers

The undersigned are residents of waterfront property at 2681 Coconut Dr., Sanibel, FL. We were not able to attend the meeting with the Corps of Engineers on July 12 in Ft. Myers to discuss the plans of the Corps for management of Lake Okeechobee water issues. We write to express our strong objection to the plan calling for high volumes of discharge of Lake O water into the Caloosahatchee River and tributaries. These discharges will create even greater problems of water degradation in this already severely damaged waterway and the bayou we front, as well as in the previously pristine waters of Ding Darling Conservation Sanctuarary and other waterways in the vicinity of the Caloosahatchee discharge area. The impact on our wildlife has been severe, and we urge you to select a dischage plan that provides more protection for the Caloosahatchee esturaies and more equitably distributes the discharge into other canals and riverways. Thank you for your consideration of these most important matters. Edward C. Stringer and Virginia L. Stringer

From: Massarini@aol.com

Sent: Saturday, July 15, 2006 9:33 PM

To: Milam, J P SAJ

Subject: Lake Okeechobee release program

Dear Sir,

Although not residents of Sanibel Island, my family has been vacationing there for the past 8 years. As ardent admirers of the the beautiful beach and gulf waters of this area, we feel that the Lake Okeechobee releases engender a very negative impact on the Sanibel area ecology. I cannot believe the Army Corps of Engineers and the State of Florida could be so short-sighted as to propagate a program that favors one area of Florida over another. Surely there is something else that could be done to releave the stress of the Lake O situation.

I cannot believe that a wonderful organization like the Army Corps of Engineers would participate in actions that violate nature. I know that the Corps is very respected in my area of the country. I live very close to the Mississippi River and know that the Corps has been very responsible and hard-working in regards to controlling this river.

Perhaps the officials who are making the judgements should be sentenced to live in the areas devastated by the release waters. Balance and judgement are needed. I hope that the release program is not a case of money and politics rather than "doing the right thing."

Thank you for your time and consideration, Mary A. Stanger

From: Diana McCoy [dl.mccoy@insightbb.com]

Sent: Friday, July 14, 2006 8:59 AM

To: Milam, J P SAJ

Cc: sancouncil@ci.sanibel.fl.us

Subject: Lake Okechobee Plan

#### Dear Mr. Milan:

I read with abject horror the news release regarding ongoing plans to release Lake Okechobee excesses down the Caloosahatchee River / estuaries and into the Gulf waters surrounding Southwest Florida. Those of you who are responsible for such decisions must broaden the lense through which you view this issue. These releases are devastating the formerly pristine aquatic environment of an area that has attracted literally millions of residents and visitors to Florida. However, beyond the direct impact these consequences will have on the tourist industry and the economic well being of the region lies the even greater implications for the overall health and sustainability of the entire aquatic ecosystem of the Southwest Florida Gulf waters.

Please, sir, do the responsible thing and listen to / work with the representatives of the impacted communities to develop some alternative and creative solutions to the immediate crisis and do not continue down this path of environmental destruction.

Thank you for your time, Dr. Diana McCoy

From:

Sue Marcano [SMarcano@edutech.org]

Sent:

Friday, July 14, 2006 8:40 AM

To:

Milam, J P SAJ

Cc:

sancouncil@ci.sanibel.fl.us

Subject: Killing Sanibel Island to protect Clewiston?

Dear Sirs,

Mr. Carpenter was quoted as saying " "We're not going to take a problem of this magnitude and play favorites," referring to the releases down the Caloosahatchee and the St. Lucie Canal in trying to manage the lake level to protect the Herbert Hoover dike .

But that's exactly what you are doing. Those **easy fixes** that protect his butt, and the areas near Clewiston, will kill all of the areas affected by the releases, such as Sanibel Island. The areas that are affected the most survive (thrive) due to tourism brought there by the beauty and wildlife in those waters. People will not continue to come to an area that sticks and is populated by dead fish and stinky seaweed.

Carpenter also said "The trade-off? People of Sanibel are going to have to get some dirty water." We are not talking about dirty water. The problem the releases cause is Red Tide caused by algae. Dirty water is do-able, but what about all of the medical issues brought on by the red Tide. And killing our Eco-system.

The easy solution that Mr. Carpenter supports will lead to a complete collapse of the entire estuary, forcing the surrounding communities to struggle. Tourists will quit coming, causing businesses to close. The locals will have to stay away from the water because of health concerns, and will eventually move away. **These communities will dye**.

As will the wildlife and plantlife that lives in these waters. They will not be able to bounce back time after time.

Is this the best solution? Are there no other options? No and No!!

There are other options that need to be studied and pursued. The easiest option is not always the best.

Where is the delicate balance that you speak about trying to achieve? Certainly not in the current solution. Many communities will suffer and die, to protect another.

I live in upstate New York, and years ago we went through a similar situation with the Adirondacks region. Fortunately, common sense won, and the Adirondacks are now protected, and recovering from the damage. Water sources are clearing up, the endangered animals are returning, and vacationers are returning. Communities are rebuilding and growing, businesses are booming, and abandoned homes are being bought and restored. Although the solution wasn't the cheapest or easiest, and certainly not the choice of the engineers; after many studies it was found to be the right one. All of New York is benefitting from this, as opposed to a small area.

I have many relatives who live in the area of the Herbert Hoover dike. My uncle, Hugh Branch, owns Hugh H. Branch, Inc. of Belle Glade, one of the nation's largest distributors of fresh sweet corn. His entire family lives in the Clewiston area. They have much to loose if the dike lets loose, yet even they oppose your solution to the problem.

You don't seem to be listening to the voices of the people in the Clewiston area, or the Sanibel area. Hopefully you'll listen to someone from out of the area who visits both areas often.

Please rethink your stance.

Thank you, Sue Marcano 2883 Tack Road Newark, NY 14513

From:

ken kohls [kkamosq@alexssa.net]

Sent:

Thursday, July 13, 2006 8:52 PM

To:

Milam, J P SAJ

Lake O Discharge Subject:

I urge you to do something to help protect the estuaries of the Fort Myer and Sanibel area. I truly believe the discharge of the fresh water is changing the ecosystems and salinity of Pine Island sound and adjacent areas. Please rethink why you are discharging this water to destroy a different area down the river. There must be a better way.

I cannot attend the meeting but I believe strongly the estuaries around Sanibel and Fort Myer are being severely damaged because of Lake O discharge.

Thank you for your time;

Ken Kohls

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From:

Sharon Tombs [sanmgr@carroll-properties.com]

Sent:

Thursday, July 13, 2006 10:36 AM

To: Subject: Milam, J P SAJ; judie.zimomra@mysanibel.com comment letter attached last night's workshop

Attachments:

letter to Connie Mack.doc



letter to Connie Mack.doc (21 ...

Good morning,

Thank you in advance for reading my attached comments. I appreciate your time.

Please also note that we are currently having dead fish wash up on our resort beach and guests are departing early, most repulsed and probably not inclined to give us another chance in the future.

Sharon Tombs, CHA General Manager Holiday Inn Beach Resort Sanibel Island, Florida 239-472-4123 To: Connie Mack, Member of Congress via us mail

CC: Pete Milam, U.S. Army Corps of Engineers, Judie Zimomra, City of Sanibel

Manager via email July 13, 2006

### Good morning,

You were so kind as to respond to a previous email I sent you regarding the fresh water releases. You stated that you were committed to finding a workable solution that ensures the rivers return to normal and once more become a healthy, viable environment.

I attended a meeting last night in Fort Myers by the U.S. Army Corps of Engineers to explain the release schedule and answer questions.

The discussion was riveting and very informative. It appears to me, after listening to everyone, that the proper steps are NOT being taken to do what is necessary and that the hands of the Corps are tied. It sounded to me like there are some very good and much quicker ways to solve the issues but there may be some ulterior motives out there. It also sounded like the fine people of the Lake O area and the fine people of the east and west water release areas are being pitted against each other in an "either or" situation and that situation does not have to exist.

It was stated last night, by the Corps, that the session was recorded. I urge you to get a copy and watch this in its entirety. The first portion of the session was the presentation by the Corps. I found this disappointing because the charts and information were not formatted for the general public. The average person could not follow them due to acronyms etc much as the average person would not be able to follow a presentation for my industry if we used all of our acronyms and industry chat. Either the planner had no experience with presenting to the public or the choice was made to talk over our heads.

Please listen to the comments and questions following the presentation. I think this will be enlightening in the event you have not been given all the facts. I left the meeting feeling like there really is no sense of urgency by Congress or the Corps to rectify the situation, that the Corps hands are tied by Congress and that sugar cane business lobbying has been successful at the expense of those east and west of Lake O.

Thank you so much for your time and consideration. I am in hopes I will hear from you once you watch the session.

Respectfully, Sharon A. Tombs, CHA, General Manager Holiday Inn Beach resort 1231 Middle Gulf Drive Sanibel, FL. 33957

From: Wm. A. Copeland [wmacope@worldnet.att.net]

Sent: Wednesday, July 12, 2006 5:01 PM

To: Milam, J P SAJ

IT IS IMPERATIVE THAT YOU, AS PUBLIC EMPLOYEE CHARGED WITH THE RESPONSIBILITY OF SERVING ALL THE CITIZENS OF THE UNITED STATES, CONSIDER THE DAMAGES DONE TO THE CITY OF SANIBEL AND THE SURROUNDING AREAS BY THE WATER RELEASES FROM LAKE OKEECHOBEE. YOUR DECISION TO CONTINUE THE WATER RELEASES WILL SO SEVERELY AFFECT THE ENVIRONMENTAL CONDITIONS, ECONOMIC CONDITIONS AND HEALTH OF OUR CITY THAT YOU MUST STOP AND REALIZE WHAT YOU ARE DOING AND WHAT A DISASTER YOU ARE CAUSING. PUT YOURSELF IN THE POSITION OF BEING A RESIDENT OF THE CITY OF SANIBEL. HOW WOULD YOU FEEL? WHAT WOULD YOU DO? WHAT WOULD YOU THINK OF THE INTEGRITY OF THE PEOPLE OF THE U.S. ARMY CORP OF ENGINEERS ENTRUSTED WITH THE RESPONSIBILITY OF PRESERVING OUR WORLD. PLEASE THINK OF THE CONSEQUENCES OF YOUR DECISION AS IT AFFECTS EVERYONE.

From:

Robbins, Erica A SAJ

Sent:

Wednesday, July 12, 2006 12:41 PM

To: Subject: Sticht, Nancy J ŚAJ; Regalado, Nanciann E SAJ; Milam, J P SAJ

FW: Engineers speak with certification, not empty statements

See criticisms in last paragraph=

#### Erica A. Robbins

Outreach Program Specialist, South Projects U.S. Army Corps of Engineers Corporate Communications Office, Outreach Team 1400 Centrepark Boulevard, Suite 750 West Palm Beach FL 33401-7402

P: 561-683-1577 x 32 C: 561-801-5734 F: 561-683-2418 erica.a.robbins@saj02.usace.army.mil

----Original Message----

From: Everglades Restoration [mailto:COMMONS-EVERGLADES@LISTS.SIERRACLUB.ORG] On Behalf Of Bob

Mooney

Sent: Wednesday, July 12, 2006 7:12 AM

To: COMMONS-EVERGLADES@LISTS.SIERRACLUB.ORG Subject: Engineers speak with certification, not empty statements

Archives: http://lists.sierraclub.org/archives/commons-everglades.html

\_\_\_\_\_

Now it's 17 feet -- not 18 feet, not 21 feet -- that is a "safe" level of water in Lake Okeechobee.

Where is the certified analysis by a reqistered qualified engineer for th at statement?

Where are any certified analyses by registered qualified engineers for the impounding structure around what was Lake Okeechobee?

Where are our elected representatives in this matter?

There are more than 6400 residents in Clewiston. A public meeting of 30 a ttendees -- which likely

includes reporters and elected/appointed officials -- is not very public.

( Also, the meeting likely cost more than \$30,000 to hold.)

Remember: Don't post copyrighted material without holder's permission.

\_\_Brief\_\_ excerpts, properly cited, \_\_with\_\_ related comments by poster

are assumed to satisfy "fair use" provision and are acceptable.

Mark Erstling [merstling@boaterslanding.com] From:

Wednesday, July 12, 2006 12:05 PM Sent:

Milam, JP SAJ To:

Subject: LAKE O WATER RELEASES / THE STATE OF OUR WATERS

To: Mr. Pete Milam, Project Manager US Army Corp of Engineers.

Pete,

This email which I hope is one of many from individuals from both southeast (St. Lucie) and southwest fla (Lee County) is one of DISGUST and anger. I am a native Floridian whose life has revolved around the water. And now water quality effects both my personal life as well as my ability to earn a living. I understand that the corp is dealing with a problem produced by former corp individuals. The widening and straighten of the Calosahatchee River has taken nature out the equation. The nature of a winding river where sediments are naturally deposited in oxbows is gone forever. The farming and building of towns south of Lake O just to mention a few. Releases of nutrient rich water has destroyed the waters in and around Fort Myers, Sanibel and Captiva Islands, Fort Myers Beach, Cape Coral, Pine Island, Etc. I am in the boat business and an avid fisherman. I can tell you first hand that grass beds in and around the mouth of the Calosahatchee river are destroyed. Only three or four years ago these beds were full of pinfish, seatrout. shrimp, crabs, etc. and now are devoid of all life. The beaches of sanibel, captiva and fort myers will now be subjected to being covered with algae when the wind blows eastward or a storm blows by. The bottom of our nearshore waters are now covered with green and red algae. Local reefs both natural and manmade are now covered with this algae making them also void of sealife. I ask you to stop all releases!! At this point the damage is done and I do not think I will see it repaired in my lifetime but you and the corp have a responsibility to the people of lee county(Florida!), tourists from around the world and NATURE to stop any future damage. And maybe somehow nature will bring it's self back.

Mark Erstling **Boaters Landing** 12062 S. Cleveland Ave Fort Myers, FI 33907 239.939.4477 phone 239.939.4498 fax

From: Jack Luiszer [Jack@abbrokers.com]

**Sent:** Wednesday, July 12, 2006 11:39 AM

To: Milam, J P SAJ

Subject: Lake O water quality

My wife and I have been full time residents of Southwest Florida for seventeen years, with primary residence on Sanibel Island. We vehemently object to the proposal by the Army Corps of Engineers which soley focuses on the health of the subject Lake Okeechobee with little regard to the consequences of discharges into Southwest Florida. You salary comes from the "people", yet you are representing only a selected group.

I will encourage the Town Council of Sanibel to take whatever legal proceedings are necessary to reverse your plan.

Sincerely,

John Luiszer 9470 Balsa Court Sanibel, Florifa 33957 239-699-5041

From: JanJonesBird@aol.com

Sent: Wednesday, July 12, 2006 11:03 AM

To: Milam, J P SAJ

Subject: Army Corps of Engineers Plan

The "improved" plan for water discharge is not a good one and should be changed. There are problems with the health of the Caloosahatchee River which need to be solved. Just today I received an email about a huge fishkill in Ding Darling Refuge which is related to the water quality issue. Our estuaries need protection now! Please see that the plan is not accepted and that water quality in Lake Okechobee and the Caloosahatchee is improved and protected.

Jan Bird, Sanibel Island

From: Mb

Mbdowning@aol.com

Sent:

Monday, July 10, 2006 6:10 PM

To:

Milam, J P SAJ

Subject: Water Releases from Lake Okechobee

Dear Mr. Milam,

My husband and I are currently in Cleveland, OH, so we are unable to attend the meeting about the water releases planned for the next 3 years. We want to remind you how crucial it is to consider the effects of these releases on the whole system of estuaries and the Gulf of Mexico. Our existence on Sanibel Island, where we live in the winter, depends on the responsible decisions of the Army Corps of Engineers. You have already acknowledged the damage the releases imposed on the Caloosahatchee River in 2005. Please don't allow the same thing to happen all over again.

Thank you.

Molly Downing 1915 Sanibel Bayous Road Sanibel, FL 33957

From: Janie Pritchard [janie@janiepritchard.com]

Sent: Monday, July 10, 2006 4:02 PM

To: Milam, J P SAJ Subject: Lake O!!!

It is imperative that you take into consideration not only the lake with you new management reforms but also the welfare of the estuaries that it feeds into by way of the Chattahoochee River. You are destroying the future of the gulf communities that future generations will not be able to enjoy.

> /ur Bright Spot in //Island// Real Estate!/
>
> Janie Pritchard, Realtor, CRS, GRI, ABR
>
> Awarded FIVE STAR: Best in Client Satisfaction designation by
> Gulfshore Life magazine
>
> 239-472-1511: Office
>
> 239-980-7474: Cell
>
> 800-233-8829: Toll Free
>
> 239-472-1292: Office fax
>
> janie@janiepritchard.com <mailto:janie@janiepritchard.com>: E-mail
>
> www.janiepritchard.com <http://www.janiepritchard.net/>: Web page
> www.janiepritchard.net <http://www.janiepritchard.net/>: Web page

From: Woody Cater [wcater2@comcast.net]

Sent: Monday, July 10, 2006 1:25 PM

To: Milam, J P SAJ

Cc: wcater2@comcast.net

Subject: Caloosahatchee estuary

Do what's right for the vast majority of the people involved .They want you to protect the estuary's on both sides of the state of Florida,not a few sugar fields represented by an army of high paid lobbyists Allen Cater

Allen Cater 6316 Post Lane Edina men.55439

From:

Sharon Tombs [sharon.tombs@att.net]

Sent:

Monday, July 10, 2006 12:13 PM

To:

Milam, J P SAJ

Cc: Subject: judie.zimomra@mysanibel.com worsening conditions at beaches

#### Good morning sir,

I will be at the Wednesday meeting regarding Lake O however may not get to stress my points because I imagine many citizens will wish to give their input. Over the past year there have been minimal days when the waters off our beach have been the azure color of past years. There have been numerous times when fish kills and stinky algae have washed up on our beach. I can say with certainty that hundreds of guests have been repulsed and will not be coming back to southwest Florida beaches.

I can also say with certainty that there have been numerous days when my staff and I have difficulty breathing when a red tide is at or near our resort. I have been following information regarding these releases from Lake O and it has been stated by many professionals that this is what is the biggest cause of these red tide and algae blooms.

I just do not understand why this is not being treated as an emergency situation and taken as seriously by everyone as it should be. Certainly if we can send a rocket to outerspace we should be able to, with great speed, resolve this situation so that the end result within the very near future is to stop releasing water that will continue to do such grave harm to the estuaries, the wildlife, the tourism of Southwest Florida and all things that most of us residing and working here treasure. My biggest question I would like to have answered is what research was done prior to dykes being built etc as to what could happen in the future? The future is now here, we are stuck with this mess which is progressively getting worse, and there is no indication that anything will be done to change this dire situation. It IS dire.

Thank you for your ear.

Sharon Tombs, CHA General Manager Holiday Inn Beach Resort Sanibel Island, Florida 239-472-4123

From:

hml4reel@aol.com

Sent:

Monday, July 10, 2006 12:13 PM

To:

Milam, J P SAJ

Cc:

jeb.bush@myflorida.com

Subject: Water Management

#### Attention:

**Project Manager Pete Milam** US Army Corps of Engineers

#### Govenor Jeb Bush

RE:

July 12th Public Hearing on plans for water releases Lee County Commission Chambers Fort Myers

As I will be unable to personally attend this public meeting in Fort Myers on July 12th, I would like to express my adamant concerns regarding your 3 year plan for water releases from Lake Okeechobee. While the proposed plan focuses solely on health of Lake Okeechobee, it comes at the extreme expense, and virtually ignores the negative impacts to the Caloosahatchee River, area estuaries and the Gulf in Southwest Florida!!

The Army Corps has already acknowledged that the current lake management plan has caused damage to the estuaries. I believe the Army's new "improved" plan would be even more devastating to the region's water quality.

Specifically the "tentatively selected plan" will **NOT** work and **MUST be changed** to:

- Better protect estuaries
- Include the health of estuaries in day-to-day management decisions
- More equitably plan for discharges in multiple directions—not just targeting the Caloosahatchee River

The impact of not changing and improving the current selective plan will have devastating negative consequences to our cherished wildlife, ecological balance and Florida's economy as a result of harming our most important industry - TOURISM!! Already, scores of visitors have left due to increasing occurrences and severity of **RED TIDE affecting our beaches!!** We need to protect our beaches, sea life and tourists!!

A better plan is required!! That's YOUR jobs!!

Howard Lorsch Sanibel Island, Florida

Check out AOL.com today. Breaking news, video search, pictures, email and IM. All on demand. Always Free.

From:

Dorothy DeVasure [devasure@huntel.net]

Sent:

Monday, July 10, 2006 11:53 AM

To:

Milam, J P SAJ

Subject:

re public workshop July 12th

Dear Mr. Milam,

I first visited Sanibel in 1965 and fell in love with it's beaches and the many mollusks that live and reproduce there. In 1969 we purchased our beach front lot, built our "beach house' in 1980 and, aside from summers away, have walked that beach at least once a day. I have noted that whenever the beach has been renourished west of us, the mollusk population has diminished for about 3 to 4 years. Red tides have also taken their tolls. But whenever the RED DRIFT ALGAE takes over, the shells almost totally disappear. One of the prime attractions to Sanibel has been as a wonderful area to pick up seashells. Many authorities have rated Sanibel and the southwest FL coast as the third best place in the WHOLE WORLD to collect mollusks.

Please do whatever you can to protect this fabulous natural resource from further damage.

Thank you,

Sincerely,

Dorothy and Lowell DeVasure 3945 W Gulf Dr. FL 33957

currently at 955 Co Rd 45

Tekamah, NE 68061

From:

DENNIS HAYES [zoeeladah@yahoo.com]

Sent:

Monday, July 10, 2006 11:27 AM

To:

Milam, J P SAJ Karen A Barker

Cc: Subject:

Lake O Water Realeases and Devastating effect on South Florida, East & West

Dear Mr Milam,

Please hear the URGENT PLEA OF THE CITIZENS OF SOUTHERN FLORIDA REGARDING YOUR PLANNED RELEASES OF LAKE O WATER INTO THE CALOOSAHATCHEE RIVER, AREA ESTUARIES AND THE SW FLORIDA GULF.

TO IGNORE THIS SERIOUS ISSUE WILL FURTHER HARM THE NATURAL BALANCE OF THE ENVIRONMENT OF THIS AREA.

THE ESTUARIES WILL DIE, THE RIVERS POLLUTED AND THE GULF DEVASTATED.

WHAT CAN JUSTIFY SUCH ACTION BY A GOVERNMENT AGENCY FUNDED BY THE CITIZENS OF THE USA.

PUT THE MONEY/CORPORATE ISSUES ASIDE AND DO WHAT IS RIGHT FOR SW FLORIDA AND THE UNITED STATES.

DO OTHERWISE AND YOU WILL BE GUILTY OF DESTROYING ONE OF THE MOST PRISTINE AREAS OF OUR COUNTRY.

YOU MUST FIND A WAY TO BALANCE THE NEEDS OF ALL THAT DON'T CREATE THE KIND OF DESTRUCTION WE HAVE ALREADY SEEN FROM PREVIOUS WATER RELEASES.

Dennis A Hayes Properety Owner/Taxpayer Tennisplace C-22 Sanibel, FL 33957

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around http://mail.yahoo.com

From: Platelet22@aol.com

Sent: Monday, July 10, 2006 8:51 AM

To: Milam, J P SAJ

Subject: Water quality on Sanibel

The water quality on Sanibel Island has been negatively impacted in the recent past to the point where we no longer feel our beaches, waterways and bayous are safe healthy havens to be seen and enjoyed by humans. The salinity level of the water has changed and endangered or killed completely 75% of the plant life near our home--we have barren sticks instead of vibrant plants.

Our twenty-three years on Sanibel have brought many changes. This one is a frightening sign of the future. It is important to take a step back and chose a pathway that provides safety from flooding at Lake O and also protects, plant, wild and human life on Sanibel and other communities in the area.

Please speak out for quality water for all.

Sincerely,

Dr. Ruth Ann Plate David Plate 1983 My Tern Court Sanibel Island, FL 33957

From: Patricia Haggerty [phaggerty@comcast.net]

Sent: Monday, July 10, 2006 8:27 AM

To: Milam, J P SAJ

Subject: Oppose the present plan for Lake O.

Dear Mr. Pete Milam,

As residents of Florida and living in Sanibel, Florida we strongly oppose the present plan.

The "tentatively selected plan" will NOT work and MUST be changed to:

- Better protect estuaries
- Include the health of estuaries in day-to-day management decisions
- More equitably plan for discharges in multiple directions—not just targeting the Caloosahatchee River.

Sincerely,

Dr. James Haggerty Patricia Haggerty

From:

Edward J. Schuller [ednhazel@comcast.net]

Sent:

Sunday, July 09, 2006 5:14 PM

To:

Milam, JP SAJ

Subject:

We care about Sanibel's Water Quailty

Attachments: July 12 Army Corps Meeting.doc

# Army Corps Plan for Lake O Would Make Water in SW FL Even Worse. July 12th Meeting in Fort Myers

On July 12<sup>th</sup>, the U.S. Army Corps of Engineers will open the floor to public comments on a plan to revise the way in which Lake Okeechobee water releases are managed for the next 3 years. But the proposed plan focuses solely on the health of Lake O, virtually ignoring negative impacts to the Caloosahatchee River, area estuaries and the SW Florida gulf.

The Army Corps has acknowledged that its current lake management plan has caused damage to the estuaries. If adopted, there is strong concern that the new "improved" plan would be even more devastating to the region's water quality.

We cannot can attend the July 12<sup>th</sup> evening meeting; however we wish to speak against the proposed plan:

- The "tentatively selected plan" will NOT work and MUST be changed to:
- Better protect estuaries
- Include the health of estuaries in day-to-day management decisions
- More equitably plan for discharges in multiple directions—not just targeting the Caloosahatchee River.

# PLEASE PAY ATTENTION TO SANIBEL RESIDENT CONCERNS, Mr. Project Manager Pete Milam!

U.S. Army Corps of Engineers Jacksonville District 701 San Marco Blvd. Jacksonville, FL 32207-8175

Thank you, Ed & Hazel Schuller, 805 Lindgren Blvd., Sanibel, FL

From: Frank Brown [fg\_brown@hotmail.com]

Sent: Sunday, July 09, 2006 3:02 PM

To: Milam, J P SAJ

Subject: plans for Lake O releases

The tentative plans for water releases from Lake O must take into consideration:

- 1) the protection of the Caloosahatchee/San Carlos Bay estuaries
- 2) future health of the estuaries when making decisions of releases
- 3) a plan to shsre the problem more equitably
- 4) a speedy solution that does not involve years of study to spend years developing a plan which will take years to implement.

Thanks for your attention.

Jo Ann Brown, member PUURE

From: DaveDFCI@aol.com

Sent: Sunday, July 09, 2006 2:20 PM

To: Milam, J P SAJ Subject: Lake O Releases

Hello, Pete. I know you guys are really up against it in trying to figure out how to manage outflows from Lake O.

As a part-time resident of Sanibel, I have seen first hand the devastating effect of the releases of this fresh and fertile water into Pine Island Sound via the Caloosahatchee. The areas where we like to wade and fish have seen all of the grass get killed and/or coated with filamentous algae. Soapy foam is on the beaches, there are no signs of baitfish, etc., etc. I'm sure you know the story, and have probably seen it yourself as well.

I'm also well aware that NOBODY wants this water in their river, estuary, or cane field; thus my voice is only one of thousands who say "not in my back yard!" I also don't pretend to understand all of the ramifications which you must take into account in your decision-making.

I can only urge you, the Corps, and everyone else who is charged with the responsibility of managing water to work toward restoring (or simulating) the natural southern flow which originally took this water through miles of filtering everglades before it reached salt water. If God designed it this way before man started managing it, chances are it's in all of our best interests to follow this pattern to the extent our technology, land development practices and other limitations allow it.

If there is anything I can do to help bring about a resolution that we can all live with, I hope you'll let me know. I wish you the best in your efforts against this monumental challenge.

Sincerely,

Dave DeWalt Franklin, MI and Sanibel, FL

From:

rwillsan@kconline.com

Sent:

Sunday, July 09, 2006 2:06 PM

To:

Milam, J P SAJ

Subject:

Water Quality of our Estuaries

Dear Army Corp Reporesentative,

The current lake management plan is not inclusive of water quality issues.

The natural health of the estaury ecosystem must be considered in day-to-day management decisons, particularly with releases from Lake Okeechobee. Please consider alternatives such as required inclusion of discharges to other than the Caloosahatchee River. The water quality and thus trickle down economic issues such as impact on tourism and the impact on residents of South Florida must be considered as a priority.

Thank you for considering my opinion and request.

Sincerely,

Dr. Robert H. Williams 628 Lighthouse Way Sanibel, FL 33957

From:

reinsdorf1@aol.com

Sent:

Sunday, July 09, 2006 10:57 AM

To: Cc: Milam, J P SAJ m11berg@aol.com

Subject:

Save Sanibel

Dear Mr. Milam,

we have been owners of a nice beachfront condo since 1997 and have been enjoying the beauty of the islands and the clear waters surrounding the islands - snorkeling etc etc since 1995.

In the last few years we unfortunately had to witness the conditions going down - in the beginning just for a few days but no improvements at all. We had to interrupt our own vacation twice due to asthma that made even the stay inside the condo impossible due to coughing during red algeae bloom.

We can afford to own that unit since we always could rent the condo.

Referring to the worsening conditions this gets more and more difficult or even impossible.

This year alone we had to face 3 cancellations due to the actual water quality ("stinky beach", "you can't canoe through that dark muddy water", ..."the beach is slimy to walk on", "it is unsafe to let the kids play in the sand, you can't see what is in the water, the fish are dead, ......") including a long term renter who repeated to come for the last 7 years and each time stayed for 4-6 weeks. ("Your conditions on the islands are deterioating, we loved the islands and are deeply frustrated and plan to have our vacations somewhere else, where it is fun to stay on the beach and you still can enjoy the water" - ...) - ("the spoonbills left Ding-Darling since the feeding grounds are dying, so are the manatees,....," "Your government is not interested in your playground of a few millionaires") just a few quotes of our renters!!!!!

So even we as owners have to consider to not return to the islands and sell - ...as long we still can ....

We kindly ask to do sthg against these conditions and not continue to furthermore destroy this paradise. There is a lot at stake !!!

Watching the island/s and their businesses going down - since the tourists don't return - this hurts the economy, ... not just individuals whose fate obviously is of lesser importance.

Kind regards

Dr. St. L. Reinsdorf, M.D., Ph.D. 201 Sandpiper Beach 1919 Olde Middle Gulf Dr 33957 Sanibel

from Hainstrasse 9 61476 Kronberg/Ts. Germany

From: Nozzle100@aol.com

Sent: Sunday, July 09, 2006 10:50 AM

To: Milam, J P SAJ

Subject: Lake O. and SW Florida waters

#### Dear Sir:

Since I live in Connecticut, I won't be able to attend the upcoming meeting regarding discharges from Lake O. and the equality of water in SW Florida's estuaries.

I spend Decembers and Januarys on Sanibel Island every year in order to fly fish for sea trout, redfish, and snook. Last winter was a disaster for people like me that look forward to quality sports fishing every winter. There were no sea trout to be found anywhere in San Carlos Bay and Tarpon Bay was even worse. The water was so dirty, one couldn't even see their toes while standing in six to eight inches of water. There were no fish to be caught in Tarpon Bay last winter since flies and lures could not be seen in the filthy brown water.

Please consider people like myself who spend considerable time and money in Southwest Florida in pursuit of quality sports fishing opportunities every year. Surely, there must be some alternative strategies that will not ruin the water quality in the estuaries of Southwest Florida, especially around Ft. Myers and Sanibel and Captiva Islands.

Sincerely, James Lyons 939 Chestnut Hill Road South Glastonbury, CT 06073

From: JCAT1961@aol.com

Sent: Sunday, July 09, 2006 10:04 AM

To: Milam, J P SAJ

Cc: JCAT1961@aol.com

Subject: (no subject)

As an owner on and visitor to Sanibel Island since 1974 it angers and makes us very sad to see what has happened to our waters over the years. The water flowing into the Caloosahatchee River from Lake Okeechobee is polluting our estuaries and SW florida beaches with poison that makes it impossible for our children and grandchildren to use. Our wild life and sea vegetation is in peril. The horrid smells and burning of our eyes makes it impossible to use the beaches. How can you let this happen. There are so few places like ours in the U.S. The open land, the Ding Darling Preserve, the beautiful birds that come to our refuges, the sea grass that is a magnet to a variety of sealife, are on the brink of destruction. YOU WILL BE CREATING ANOTHER CHERNOBYL IN OUR WATERS!

The public outcry is falling on deaf ears! What gives you the right to make this decision! Doesn't our voice count!

Catherine Mulligan at: 561 Periwinkle Way Sanibel, FL 33957 Unit F5

401 East Virginia Avenue Manasquan, NJ 08736

From:

Bonnie Clancy [visitsanibel@earthlink.net]

Sent:

Sunday, July 09, 2006 1:00 PM

To:

Milam, J P SAJ

Subject:

Lake Okeechobee plan

I am quite distressed at the plan for water releases from Lake Okeechobee as this plan does not take into consideration the health of precious estuaries in Southwest Florida.

The estuary at Sanibel is one of the most prolific in the world and represents the origin of life for thousands of species,

This area is part of Florida too. It is an important, even crucial part of the United States AND of the world. It MUST be considered and protected in any plan derived by the Army Corps of Engineers

Bonnie Clancy 1039 Beach Rod Sanibel FL 33957 (239) 395-9060

From: SSoulemoos@aol.com

Sent: Sunday, July 09, 2006 8:20 AM

To: Milam, J P SAJ

Subject: (no subject)

I regret that I will be out of the area this week and unable to be present at the public workshop scheduled for Wednesday. But were I in town I would be testifying strongly against your current plan about the Lake discharges. You MUST take into account the day to day health of the estuaries which we all hold so dear.

PLEASE PLEASE CHANGE YOUR PLAN. Thank you.

Sallie Soule 1565 Bunting Lane, Sanibel 33957

From: Gpara@aol.com

Sent: Sunday, July 09, 2006 7:44 AM

To: Milam, J P SAJ

Cc: casisan@earthlink.net; jwrite@ecity.net

Subject: Sanibel Is. FL Prop.Owner Comment/USACEPlan for Lake O makes Sanibel WORSE

To: Mr. Pete Milam, Project Engineer, U.S. Army Corps of Engineers

From: GT Realty LLC, Owner

(Direct Gulffront) Condominium Unit 4C1

2230 Camino Del Mar Drive Sanibel Island, Florida 33957

Date: July 9, 2006

# PLEASE ENTER OUR FOLLOWING COMMENT INTO THE RECORD AT THIS WEEK'S PUBLIC HEARINGS TO COMMENCE JULY 12, 2006 -

RE: Sanibel Island, Florida, Property Owner (GT Realty LLC) Comment - USACE Plan for Lake Okechobee makes Sanibel Island WORSE by significantly decreasing Gulf water quality:

- The "tentatively selected plan" will NOT work and MUST be changed to:
- Better protect estuaries
- Include the health of estuaries in day-to-day management decisions
- · More equitably plan for discharges in multiple directions—not just targeting the Caloosahatchee River

Thank you.

**GT Realty LLC** 

By: Gerard A. Para, Member

From: BEBSALEX@aol.com

Sent: Sunday, July 09, 2006 4:47 AM

To: Milam, J P SAJ

Subject: Red Algae on Sanibel Island

As a resident of Sanibel and an owner of a condo directly on the beach at Sanibel Surfside, 610 Donax St., I must protest the inadequate measures to control the red algae which corrupt our beaches, contaminate our air and create aggravation and, possibly, a health hazard. Some renters have left because of coughing.

Do the right thing and take steps to control this problem.

Alexander & Beryl Flesh 857 Birdie View Pt.

Mike & Angela Wardroper C-32, 1250 Tennisplace Ct.

Sanibel fL 33957

Sanibel FL 33957

Please do the right thing a

From: Robert Fodor [raflaj@surfree.com]
Sent: Saturday, July 08, 2006 11:29 PM

To: Milam, J P SAJ

Subject: Protect our estuaries

The Corp needs to rethink their new improved plan for Lake O. It is time to fix the problem of killing life by your plan of water releases. The Corp has now admitted it has done damage to the estuaries with your great plan. We haven't even seen the full effort of your damage,maybe it will include human life in the years to come. All I know is that the Corp does not listen till the courts tells you different. You should be force to live by this water and put your life in danger. Maybe you would do the right thing then. Which is make the estuaries part of your day to day management. Make the releases more equitable to everyone, not 65% Caloosahatchee River. Make the water that is being dump in Lake O from the north be clean water not toxic. Totally disgusted with your dog and pony show. People will not buy your talk anymore.

Bob Fodor Florida and U.S. citizen

From: Judy Wells [judywells@mindspring.com]

Sent: Saturday, July 08, 2006 11:24 PM

To: Milam, J P SAJ

Cc: Allegra Print & Imaging

Subject: The Caloosahatchee Estuary

With the water shortages in some parts of the US, including parts of Florida, it seems shortsighted to rush water into the ocean and damage downstream estuaries. Why not save water for future needs and preserve the health of the estuary environment at the same time? More retention facility would seem like a long term solution. On a trip last year to Thailand, I read The Bangkok Post reports that provinces in the east were experiencing drought whereas neighboring provinces were being flooded. The government proposed to pipe water from the flooding provinces to the drought provinces. Seems like an obvious solution.

With increasing worldwide concerns for fresh water, I think hindsight will prove that this should be a longterm solution, starting now.

Please stop wasting fresh water and damaging healthy ecosystems in the process.

Judy Wells

Sanibel

From: Susie Kentner [skentner@comcast.net]

Sent: Saturday, July 08, 2006 11:14 PM

To: Milam, J P SAJ

Subject: water releases

I live and have rental properties is south west florida. I realize the water releases from Lake O is not the only problem affecting water quality but I believe it is a major part of the problem. Please consider the impact on the water quality in this area. I would appreciate a reply.

Thank You, Susie Kentner

From: John Spencer [jsanibel@woh.rr.com]

Sent: Saturday, July 08, 2006 8:03 PM

To: Milam, J P SAJ

Subject: Army Corps of Enfineers

Dear Sir,

I am writing to express my concerns about the proposed plan to release excess waters from the lake. First I am not surprised about the miss-handling of releases to date. The Army engineers have miss-handled other projects many times, including the New Orleans levy. Also the influence of the sugar industry is all too apparent. Would it be desirable to destroy a whole ego system forever, rather than fields of sugar beets? I think not. And yet time after time the corps serves the needs of industry rather than the public. It is time for the army engineers to serve we the people, who after all are your the employers.

John Spencer 598 Boulder dr. Sanibel, FL 33957

From:

Dale Peterson [depeterson@frontiernet.net]

Sent:

Saturday, July 08, 2006 8:01 PM

To:

Milam, J P SAJ

Subject: Lake Okeechobee Water Releases

Mr. Pete Milam **Project Manager** 

Dear Mr. Milam:

Please consider the health of Florida's critical estuaries and the Caloosahatchee River when finalizing your plans for water discharges from Lake Okeechobee. Past discharges have caused severe damage to the Caloosahatchee and to the estuaries of San Carlos Bay.

The current plan needs to be modified to:

- 1. Better protect estuaries
- 2. Include the health of estuaries in day-to-day management decisions
- 3. More equitably distribute discharges -- not just targeting the Caloosahatchee

Thank you for encouraging input from affected parties for this critical management plan, and thank you for looking beyond the health of Lake Okeechobee and considering our critical estuaries in your plan.

Sincerely,

**Dale Peterson** 3135 West Gulf Drive, #206 Sanibel FL 33957

From: D PATRICK ODANIEL [dpatricodaniel1346@msn.com]

Sent: Saturday, July 08, 2006 5:33 PM

To: Milam, J P SAJ

#### Pete Milam

I am a resident of Sanibel, Florida. I am also a member of The Sanctuary Golf Club and the Captiva Yacht Club. As such, I have a lot of money invested in my Florida Home life. I do not stay in Florida during Hurricane season.

This life did not come easy for me. I worked hard for many years, raised five children successfully, and took many risks in business in order to enjoy my current lifestyle. I was not selfish with my time and took many leadership roles in non profit charitable organizations, business associations, and local state and national governmental appointments.

You are having a public hearing in Ft Myers during Hurricane season. I wonder why you are not having the hearing from November 1st to May 31st when there is full residency in the area.

I want to complain about the water quality in the waters around my Sanibel Home. You know what I am talking about. You have the power to help improve the quality of the water but I am being told that you are considering a plan which will continue to further erode the waters in order to improve the Lake Okeechobee situation. That is not acceptable to millions of people who live downstream on the Caloosahatchee. We share a world and we can not correct our environmental problems by shifting it from one area to another. We must share in the solution. The solution must not further damage the Caloosahatchee and the downstream estuaries to the economic benefit of the Lake Okeechobee area, the Everglades farm areas and the East Coast.

Please reconsider you actions and listen to those at the Ft Myers forum. They represent the thoughts of many. After all, you really work for all the citizens. It is your responsibility to find an equitable solution.

D. Patrick O'Daniel 2609 Coconut Drive Sanibel, FL 33957

current address: 15 Johnson Place Evansville, IN 47714

From: BRosen565@aol.com

Sent: Saturday, July 08, 2006 5:22 PM

To: Milam, J P SAJ

Subject: Sanibel resident/Caloosahatchee River

From: Carol and William Rosenberg

517 Lake Murex Circle Sanibel FL 33957

To: Project Manager

We wish to let you know that we feel the tentative plan for Lake Okeechobee water discharge plan into the Caloosahatchee River is NOT satisfactory.

Sincerely,

Carol and William Rosenberg

From: peter@koury.com

Sent: Saturday, July 08, 2006 5:14 PM

To: Milam, J P SAJ
Subject: No to Lake O plan

Your plan is only for big sugar and will kill the estuaries around Sanibel. At least please spread the mismanagement equally in the short term.

From: Rudy Krukar [rudykrukar@comcast.net]

Sent: Saturday, July 08, 2006 4:40 PM

To: Milam, J P SAJ

Subject: Lake O Polution of Estuaries

As a resident of Sanibel, I strongly urge the Corp of Engineers to revise their plan, and avoid Lake "O" poluting the estuaries leading to Sanibel. The releases have caused "grave" polution of our waters and have caused environmentally severe health and economic concerns for the residents of our city.

Rudy & Marylou Krukar 757 Birdie View Point Sanibel, FL 33957 phone: 239-472-8451

From:

martystokes@earthlink.net

Sent:

Saturday, July 08, 2006 4:25 PM

To:

Milam, J P SAJ

Subject:

LAKE O. RELEASE SCHEDULE

Hello Pete Milam,

I cannot attend the workshop on Wednesday July 12, due to my own work schedule, however I would like to at least voice my opinion on the matter.

Everyone I talk to regarding this situation and the Army Corp of Engineers' handling // management is not favorable----one word comes to mind, always in the forefront---

#### **ARROGANCE**

Sooner or later you are going to have to listen to reason and deal with reality----SINGLING OUT THE CALOOSAHATCHEE RIVER FOR ALL OR MOST OF YOUR RELEASES IS OUTLANDISHLY NEGLIGENT ON YOUR PART FROM A MANAGEMENT PERSPECTIVE. YOUR LACK OF FAIRPLAY AND COMMON SENSE IS SHAMEFUL.

Since it was your dereliction that created the problem to begin with, YOU WILL ULTIMATELY BE HELD RESPONSIBLE in the future---so consider the fact that you have mismanaged the situation---NOW COULD BE YOUR OPPORTUNITY TO BEGIN CORRECTING A GROTESQUE IMBALACE IN THE WAY YOU HAVE BEEN DOING BUSINESS.

Sincerely,

Marty Stokes

Sanibel Resident

From: karenjk@optonline.net

Sent: Saturday, July 08, 2006 3:08 PM

To: Milam, J P SAJ

Subject: Red Algae Problem on Sanibel

I am an owner of a Condominium for 17 years on Sanibel Island at the Oceans Reach complex. I am very concerned about the growing amount of Red algae that has been polluting our shoreline. This problem has steadily increased as a result of the release of water from Lake Okeechobee. It is my understanding that the Army Corps of Engineers did not consider this problem that we face all too often when considering this release of water from the Lake.

As a taxpaying citizen of Florida I have found that this problem has caused health hazards to myself and my family, decreased the amount of revenue when I rent my complex, and damaged the reputation of Sanibel's once pristine beaches. I purchased my property because of that reputation and now would potentially lose resale value of my property because of this awful problem.

It is vitally necessary for you to address and rectify this problem.

Karen Kinlock

From:

roy bennett [merrick622@hotmail.com]

Sent:

Saturday, July 08, 2006 12:11 PM

To: Subject: Milam, J P SAJ Lake O. Plan

Before adopting any future plans for Lake O's future please take into account the amount of people and money that is affected all along the Caloosahatchie River. Everytime a plan is put into place by your dep't it adversely affects my and my children's future.

Thank you,

Roy Bennett (land owner, father, business owner, Pres. CC Tarpon Hunter's Club, Voter)

Don\_t just search. Find. Check out the new MSN Search! http://search.msn.click-url.com/go/onm00200636ave/direct/01/

From: Island Bums [IslandBums@comcast.net]

Sent: Saturday, July 08, 2006 11:51 AM

To: Milam, J P SAJ

Subject: Lake "O" Discharges

#### Dear Pete:

This latest "plan" - discretionary discharges - won't work to protect us over here on the west coast of Florida.

You guys MUST be able to devise something that will work better.

Have you looked at the relative "damage" between east and west coast discharges? I suspect that less damage would be done if the bulk of the discharges went to the east, rather than down the Caloosahatchee River.

I suspect that we are more vulnerable over on this side of the state due to a wide estuary with relatively poor flushing from the Gulf of Mexico.

I not looking to simply "flush" away the problem onto the east coast folks, but since you have to release it somewhere, the Atlantic side might suffer less damage.

Regards,

Phil Nolden Sanibel Island, FL

From: JodyMott@aol.com

Sent: Saturday, July 08, 2006 11:33 AM

To: Milam, J P SAJ; Janieonsanibel@aol.com

Subject: Lake Okeechobee

Project Manager Pete Milam,

You have killed Lake Okeechobee. Do not kill the Caloosahatchee estuary in a too-late scheme to help the lake. Far more is at stake in the estuary in terms of ecological destruction and its economic impact. Preserve the estuary while you can.

Skip and Jody Mott 4180 W. Gulf Drive Sanibel

From: Sent: peteandconnie@comcast.net Saturday, July 08, 2006 11:22 AM

To:

Milam, J P SAJ

Subject:

Lake Okeechobee Watre Release

From: Donna Ruhe [dlruhe@earthlink.net]

Sent: Saturday, July 08, 2006 11:05 AM

To: Milam, J P SAJ

Subject: Lake Okeechobee Water Releases

To completely undo the harm that has been done to the Everglades and Lake Okeechobee is probably impossible, but there has to be some changes made in order to prevent further mismanagement.

Managing Lake Okeechobee and that area of Florida is not the only thing to be considered when it comes to water problems. In order to save the Caloosahatchee River, Ding Darling Sanctuary, and all the bays and shorelines of that area of southwest Florida, there has to be other rivers and areas to release water from Okeechobee. The tourist industry, vital to Florida's economy, is much more important than the sugar cane industry. Granted, they cannot be put out of business completely, but a compromise has to be made.

Find a way to release some of this water back into the Everglades system. We have to think of the future of our State, the environment, and the health of our beautiful waters.

I realize correcting the problems of Okeechobee takes money and I am willing to pay taxes to get that monry.

Thank you for your time,

Donna Ruhe Sanibel, FL

From: patricia Poshek [pattisbl@worldnet.att.net]

Sent: Saturday, July 08, 2006 10:40 AM

To: Milam, J P SAJ
Cc: pattisbl@att.net

Subject: Lake O releases

Dear Sir: Please help us by doing whatever you can to prevent the destructive Lake O releases into the Calosahatchee River. It would help to release Lake O waters to the south, east, and west equally until the most destructive procedure now being used is corrected. thanks for your help!

From: patricia Poshek [pattisbl@worldnet.att.net]

Sent: Saturday, July 08, 2006 10:36 AM

To: Milam, J P SAJ

Dear Sir: It is of utmost importance that the Lake O procedure for water releases be changed to release water equally in south, east, and west directions. The devastation to the west coast of Lee county is critical. It is imperative that our region not be destroyed for the sake of sugar fields. I have witnessed the water quality destruction after heavy releases for several years. Please do whatever you can to correct this destructive procedure before our estuaries and beaches are totally lost. Thank you for your help!

From: Connie Ferguson [CFerguson@cspropertymgmt.com]

Sent: Saturday, July 08, 2006 9:21 AM

To: Milam, J P SAJ

Subject: July 12th public workshop

To: U.S. Army Corps of Engineers

From: Steve and Connie Ferguson (Sanibel Homeowner)

RE: Lake Okeechobee water releases

I am not available to attend the meeting on July 12th, but I would like to express my concerns. Please take in consideration: health of estuaries and their day-to-day health in your management decisions, this discharge must be targeted in multiple areas, do not just target the Calooshatchee River. Your decision on this plan will greatly affect the future of our estuaries and impact peoples lives in the future. Please look at the "tentatively selected plan" it will NOT work.

I sincerely hope you will consider a plan for discharges in multiple directions --- not just targeting the Caloosahatchee River.

Thank you in advance for your service.

Connie & Steve Ferguson

From: Gail Migliorini [gailandre@hotmail.com]
Sent: Saturday, July 08, 2006 3:57 AM

Sent: Saturday, July 08, 2006 3:57 AM

To: Milam, J P SAJ Lake O Management

#### Dear Sir/Madam:

Since I am unable to attend the public meeting of July 12 where the Army Corps of Engineers invites public statements on the proposed plan to manage Lake Okeechobee for the next 3 years, I would like to extend my concerns via this e-mail. I live on Sanibel and have seen the devastation that has occurred to our bay and estuaries with the release of water from the lake.

Our way of life has been changed dramatically and we have seen the economic impact caused by red tides and algae blankets. The bird life on our island has altered dramatically as well as the life in the water. The current plan the corp is proposing will not alleviate these problems but will certainly cause more damage in the next 3 years.

As a citizen of Sanibel and a resident of SW Florida, I ask that the Corps change the plan to not only cause less harm to Lake O, but also to the habitats that are affected by the releases of water from the lake. While I realize that the levels in the lake are now the lowest they have been for a considerable time, I also know that one or two hurricanes this season can also have change that very quickly. Please consider ALL of the citizens living in this area and plan accordingly.

Sincerely, Gail A. Migliorini 1622 Serenity Lane Sanibel, FL 33957

From: Tom Petschauer [tomcondo06@yahoo.com]

**Sent:** Friday, July 07, 2006 9:26 PM

To: Milam, J P SAJ

Subject: New Plan for Lake Okeechobee Releases

Project Manager Pete Milam--I have been informed you are seeking comment on a revised plan for Big O releases over the next three years. I am pleased to be able to offer my comments. I hope you will seriously consider them.

There exists a grave need to overcome the damages the current release plan has inflicted on the Caloosahatchee River, area estuaries and the SW Florida gulf. All balanced observers recognize it will take years to overcome these damages suffered to date, and this needs to begin to be rectified immediately. The revised plan needs to do this.

Any revised plan of future releases that maximizes benefits for the Big O at the further expense of the above damaged areas is simply undefendable, and calls into question the sanity of whatever charter you believe you are trying to comply with.

Sincerely,

Tom Petschauer President Lighthouse Point Association, Inc. Sanibel, FL 33957

Want to be your own boss? Learn how on Yahoo! Small Business.

Want to be your own boss? Learn how on Yahoo! Small Business.

From: William E. Abraham [wabraham@crestedbutte.net]

Sent: Friday, July 07, 2006 7:23 PM

To: Milam, J P SAJ

Cc: sancouncil@ci.sanibel.fl.us

Subject: Lake Okeechobee Water Management Plan

#### Dear Sirs:

We have a home on Sanibel Island, Florida, and have observed firsthand the devastation caused to our estuary over the past few years from water releases from Lake Okeechobee. It has significantly damaged our national wildlife refuge, our bay, fishing, tourism, and many other factors.

We understand that the pending water management plan would focus solely on the health of Lake O. That plan is completely unacceptable! We must have a plan that is going to protect the estuaries, and discharge water in multiple directions, not so heavily down the Caloosahatchee River.

We are unable to attend the public hearing on July 12, but request that our comments be recorded.

Thank you, William and Marjorie Abraham 5423 Shearwater Drive Sanibel FL 33957

From:

Katrina Salokar [katrina@paradesign.us]

Sent:

Friday, July 07, 2006 7:03 PM

To:

Milam, J P SAJ

Subject: Sanibel Island area esturaries

Sir,

I am a boater in Lee County and an accommodations marketer on Sanibel Island. The river is FULL of harmful algae bloom. We can't ski or swim. My husband is a veteran spray tech for SFWMA so we are more educated than most on what is going on. The PILES of red drift algae on the beaches constantly and the green slime in the Ding Darling National Wildlife Refuge MUST stop! SERIOUS action is needed to come up with a system of filtration before this water reaches Lake O and the rivers and streams.

The economic and health impacts we are living with DAILY and have made life UNDESIRABLE in Lee County any more! We were in Stuart the other week and they fell the SAME.

FILTER ALL AGRICULTURAL WATER privately or publicly. GET IT DONE. This is unacceptable in this decade in American history.

Katrina Salokar Paradise Advertising & Design

office 239 395 5878 direct 239 470 5611 fax 239 395 3122 ks@paradesign.us

Mail: PO Box 884

Location: 2340 Periwinkle Way Unit M2

Sanibel Island, FL 33957

From: Sticht, Nancy J SAJ

Sent: Friday, September 29, 2006 11:38 AM

To: LORSSComments, SAJ

Subject: FW: Water Release from Lake Okeechobee

**From:** Tfinzen@mchsi.com [mailto:Tfinzen@mchsi.com]

Sent: Thursday, September 28, 2006 7:52 PM

To: CESAJ-CC, PublicMail SAJ

**Subject:** Water Release from Lake Okeechobee

Mr. Pete Milam Project Manager U.S. Army Corps of Engineers

### Dear Mr. Milam:

I am writing to express my concern over the release of water from Lake Okeechobee and the major impact it is having on Pine Island Sound, Sanibel Island and the surrounding area. I have been out of the country and unable to attend public hearings so I will be brief since I am sure you have heard these concerns before.

I have vacationed on Sanibel Island for over 20 years and have owned a home on Sanibel for the last 8 years. The water quality has deteriorated over the past several years and has been significantly worse in the last 2 years.

Driving over the causeway between Sanibel and the mainland last year was depressing. What used to be beautiful blue water was stained a sickly brown color by runoff and released water from Lake Okeechobee. This is an eye sore for one of the most beautiful places in the United States. But it is more than esthetics.

I have fished in Pine Island Sound extensively over the last 20 years. Last winter and spring, fishing south of the power line was dramatically impacted by water releases. Weed beds were killed, fish were not present in numbers comparable to other years. In areas where I would routinely catch Trout there were no fish. Bait fish and shrimp were not present.

This is the canary in the coal mine. The early warning that things are not well. These releases are damaging the estuary, killing plant life, fish and polluting the area. Short term damage is evident. The potential long term damage is unknown, but certainly will be significant if current practices are not changed immediately. Scientists will have to determine the long term impact on fish, plants, water quality, and area beaches. Economists can calculate the impact on tourism, property values, tax income to local and state government.

I believe when any honest assessment is done, the economic and environmental impact will be huge, and shame on us for letting this happen.

I urge that immediate short term action be taken to significantly decrease water release into Pine Island

Sound and that an environmentally sustainable long term solution be implemented to protect this beautiful area.

Thank you for your attention to this matter.

Terry Finzen 1237 Sand Castle Road Sanibel, Fl 33957

From: Sticht, Nancy J SAJ

Sent: Friday, September 29, 2006 11:38 AM

To: LORSSComments, SAJ

Subject: FW: Lake "O" Regulation Schedule

**From:** charlesm@cpamassie.com [mailto:charlesm@cpamassie.com]

Sent: Thursday, September 28, 2006 5:48 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake "O" Regulation Schedule

#### Project Manager Pete Milam:

In regards to the Lake "O" Regulation Schedule I am strongly complaining about the stench I smell from my lanai due to the extra ordinate amounts of polluted water your engineers are emptying into my canal via the Caloosahatchee River. The canal not only smells but looks bad due to the over growth of algae. I would prefer that your engineers spend their time righting the wrong they committed on the state of Florida by channeling the water east and west instead of south, as it should have been! If you do not believe this is a problem that you should rectify, please visit my house after one of your emptying sessions and enjoy a lunch on my lanai (the smell will be enough for you to loose your lunch).

Sincerely, Charles Abels Massie 14751 Eden Street Fort Myers, FL 33908 (239)466-2779

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From: St

Sticht, Nancy J SAJ

Sent:

Friday, September 29, 2006 11:38 AM

To:

LORSSComments, SAJ

Subject: FW: Lake Okeechobee Regulation Schedule

**From:** Patty Sprankle [mailto:Patty@Sprankle.com] **Sent:** Thursday, September 28, 2006 10:23 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee Regulation Schedule

I AM A 60-YEAR OLD WINDSURFER WHO MOVED TO SANIBEL BECAUSE OF THE EXCELLENT SAILING CONDITIONS AROUND SANIBEL AND SPECIFICALLY NEAR THE SANIBEL CAUSEWAY. LAST YEAR FOR QUITE SOME TIME, MANY OF US WINDSURFERS WOULD NOT VENTURE INTO THE WATERS DUE TO THE POTENTIAL HEALTH RISK, ESPECIALLY NEAR THE "SCUMBALLS". I URGE YOU TO RECONSIDER YOUR PROPOSED TENTATIVE SCHEDULE. LAKE "O" WATER RELEASE HAS KILLED OFF SO MUCH ALREADY. PLEASE DON'T DO EVEN WORSE THIS YEAR. MANY THANKS, PATRICIA J. SPRANKLE 1147 Golden Olive Court Sanibel Island, FL 33957

From:

Sticht, Nancy J SAJ

Sent:

Friday, September 29, 2006 11:38 AM

To: Subject:

LORSSComments, SAJ FW: Lake Okeechobee

----Original Message----

From: jwschmidlin@aol.com [mailto:jwschmidlin@aol.com]

Sent: Wednesday, September 27, 2006 10:07 PM

To: CESAJ-CC, PublicMail SAJ Subject: Lake Okeechobee

I am a resident of Sanibel, Florida and want to make a formal comment and objection to the water releases from Lake Okeechobee to the estuaries and Gulf. Over the past two years the impact to the water and wildlife have been a travesty. Where the water was blue and aqua, it is now murky and the environment has changed for the worst. This has got to stop! You have a responsibility to protect the environment, not the sugar cane companies. Act responsible, protect our environment and represent the citizens of Sanibel. Thank you

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From: Sticht, Nancy J SAJ

Sent: Friday, September 29, 2006 11:37 AM

To: LORSSComments, SAJ

Subject: FW: Lake Okeechobee release schedule comment regarding seagrass habitat requirements

----Original Message-----

From: Rick Bartleson [mailto:rbartleson@sccf.org] Sent: Wednesday, September 27, 2006 7:08 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee release schedule comment regarding seagrass habitat requirements

Pete,

A previous version of the Lake Okeechobee release schedule cited American wild celery (Vallisneria americana) salinity requirements as a reason for minimum flows. Most of the submersed vascular plant acreage in the estuary is inhabited by seagrasses such as turtlegrass, manatee grass, and shoal grass. If submersed plants are to be given consideration it would be best to consider either all of them or at least the types that cover the most acreage. Making sure that wild celery, which represents less than 1/100 of the total submersed vegetation coverage of the estuary, has sufficient fresh water, but not having any wording that protects the other 99+% (the seagrasses) from salinities below their tolerance range does not make sense. The seagrasses and wild celery all have high light requirements. The fresh water that comes from the lake can have a very high attenuation coefficient and during high flows, all the submersed plants that aren\_t in the shallowest water have the problem of low light. I recommend taking into account the light requirements of submersed plants and the salinity requirements of turtlegrass in future release guidelines. Realizing that light and salinity requirements of seagrasses are not going to be met during high discharge periods, I would recommend adjusting discharge rates and intervals to minimize the time intervals that submersed plants are exposed to low salinity and low light conditions.

Right now, the wild celery in the river is restricted to very shallow water. This is likely because light availability is often below 50 uE/m2/d (the light compensation point) in water more than a few feet deep. Most of the seagrasses have compensation points around that level.

The time interval that submersed plants can go without light varies and some species may be able to reproduce before they die if they are in good condition and have a long enough period of high light. I have seen widgeon grass seeding in the estuary recently, and wild celery can produce tubers but most of the plant reproduction is vegetative. Plants with substantial rhizome carbohydrate storage ability may be able to survive the longest, but their roots are vulnerable to toxins if they aren treceiving enough light to pump oxygen to the root zone.

From various studies: The longer widgeon grass was shaded (down to 28 % light), the longer it took to recover to 50% of normal productivity. Two months below 18 % light caused death (Congdon and McComb 1979). Very little widgeon grass is found in the river now. A long experiment (16 mo) on turtlegrass resulted in 99% dead after exposure to light levels of 14% of surface irradiance, and all plants died after 2 months at 5% surface light (Lee and Dunton 1997). From these two studies, two months is too long to be releasing turbid water from Okeechobee at high rates. I will be able to do some experiments soon on local samples and will send you my results. Results of experiments on a variety of species can be found in our EPA report:

Batiuk, R., P. Bergstrom, M. Kemp, E. Koch, L. Murray, J.C. Stevenson, R. Bartleson, V. Carter, N.B. Rybicki, J.M. Landwehr, C. Gallegos, L. Karrh, M. Naylor, D. Wilcox, K.A. Moore, S. Ailstock, M. Teichberg (2000). Chesapeake Bay submerged aquatic vegetation water quality and habitat-based requirements and restoration targets: a second technical synthesis, USEPA. CBP/TRS 245/00

Thanks,

Rick

Richard D. Bartleson, Ph.D.
Sanibel-Captiva Conservation Foundation Marine Lab 900A Tarpon Bay Rd.
Sanibel FL 33957
239-395-4617

From:

Sticht, Nancy J SAJ

Sent:

Friday, September 29, 2006 11:37 AM

To:

LORSSComments, SAJ

Subject:

FW: Lake Okeechhobee releases

----Original Message-----

From: David J. Eyrich [mailto:deyrich@statmanharris.com]

Sent: Wednesday, September 27, 2006 3:51 PM

To: CESAJ-CC, PublicMail SAJ

Subject: FW: Lake Okeechhobee releases

David J. Eyrich
Statman Harris & Eyrich
3700 Carew Tower
441 Vine St
Cincinnati Oh 45202
513-621-2666
direct dial 513-345-8188
Fax 513-587-4477
email deyrich@statmanharris.com

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----Original Message-----From: David J. Eyrich

Sent: Monday, September 25, 2006 10:46 PM To: publicmail.cesaj-cc@saj02.usace.army.mil--

Subject: Lake Okeechhobee releases

Mr Milam:

years. I never dreamed I would see the systematic destruction of an entire ecosystem. The decline of these waters over the last couple years has been dramatic; and over the last year, devastating. It now more closely resembles Tampa Bay of the 70's than the Sanibel of a few years ago.

\*clean water has been replaced by water so dark it is sometimes black, and filled with algaes of different forms and consistencies I have never seen before

\*one of the most beautiful bays on the west coast (Tarpon Bay in Ding Darling Nature Preserve) is devoid of trout and most other fish I formerly caught there

- \* miles of grass beds are gone (as are many oyster beds) replaced by the algaes that get stuck on hooks and bait
- \* gone with the grass beds are the shrimp, baitfish and presumably the more primary creatures that support the food chain ( you have to go many miles north to net any bait)
  - \* the formerly white sand beaches and bars are routinely covered with rotting algae.
- \* fish kills from red tide have become frequent problems in the estuary and surrounding waters ( since the one in August the trout have disappeared from this entire area)
- \* in the last thirty days 3 beaches on Sanibel were closed due to high levels of bacteria; the same beaches that have been listed in the past in the top 10 best beaches in the US
- \* the wildlife in Ding Darling nature refuge (one of the most popular in the US) will surely continue to decline as the food chain disappears

In short it is clear the releases in the past year have had a particularly devastating effect. This ecosystem cannot stand more of the current levels of discharge much less an increase. I join the residents of Lee County, Sanibel and the other barrier islands in urging you to find a solution that does not result in the further decline of this area NOW. Just one more year of this and I have no doubt I will not see this area recover in my lifetime.

David Eyrich Tennisplace E-12 Sanibel, Fla.

From:

Sticht, Nancy J SAJ

Sent:

Friday, September 29, 2006 11:37 AM

To:

LORSSComments, SAJ

Subject: FW: Lake O plea

From: Bradley, Ann E. [mailto:ABRADLEY@leegov.com]

Sent: Tuesday, September 26, 2006 3:01 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O plea

To: Pete Milam, Project Manager U.S. Army Corps of Engineers

Red tide is devastating Sanibel and Captiva Islands' water quality, detrimental to people's health, killing wildlife and destroying the economy of Captiva and Sanibel. This scourge will eventually affect all of Lee County. Please work to keep releases from Lake Okeechobee within the limits prescribed by your biologists.

Sincerely,
Ann E. Bradley
Senior Librarian, Branch Manager
Lee County Public Library System
Captiva Memorial Library
P.O. Box 99
Captiva FL 33924
abradley@leegov.com

Phone: (239) 472-2133 Fax: (239) 472-0272 TTY: (239) 472-8608

From: Sticht, Nancy J SAJ

Sent: Friday, September 29, 2006 11:37 AM

To: LORSSComments, SAJ
Subject: FW: Lake Okeechobee....

**From:** carolyn graham [mailto:sanibelsas53@hotmail.com]

Sent: Tuesday, September 26, 2006 12:11 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Lake Okeechobee....

Dear Mr. Milam, I have lived on Sanibel Island, at Blind Pass, for the past 14 years and have watched the water quality slowly disintegrate in both the bay/bayous and gulf. The past few years have been horrible-thick, mud coloured water, no fish, birds or sea grasses--our beaches, last week, for a 12 mile stretch, have been closed with "enterococcus"-which is extremely damaging to the economy of this area, which is mostly fishing, crabbing, tourists and bird watching in the National Wildlife refuge (Ding Darling, which is covered in slime). Before that we had red algae and red tide. A couple of weeks ago, one of the turtle nest people, counted over 100 dead snook, along with other species, on a 3 mile area of the gulf beach....I could not even walk my dog as the smell was so irritating, it was hard to breath...Southwest Florida has always been on the short end of the stick for any government help-I have lived here since 1959 when our roads were so deplorable-hiway 41 was a 2 lane road, so badly crowned that you were almost driving sideways-with beautiful hiways in the rest of the state-now you are dumping all of this horrible waste into our harbours, river and bays--and all we are getting is the usual lip-service--with any foreseeable solution, many years down the road-this once thriving nursery for aquatic life will be a dead zone by then...Please listen to us-nature is screaming for help! carolyn graham 2646 coconut drive-sanibel 33957 239-472-1922

From: Sticht, Nancy J SAJ

Sent: Friday, September 29, 2006 11:36 AM

To: LORSSComments, SAJ

Subject: FW: Plan 6

From: Barbara Stevelman [mailto:stevelm@attglobal.net]

Sent: Tuesday, September 26, 2006 9:44 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Plan 6

We are writing to support Plan 6.....

As residents of Sanibel, Lee County we feel there is no alternative to Plan 6. We are watching wildlife suffer, the waterways clog and the future of our ecosystem be imperiled. Please listen to the voice of the people.

We depend on your support.

**Barbara and Harold Stevelman** 

From: Sticht, Nancy J SAJ

Sent: Friday, September 29, 2006 11:35 AM

To: LORSSComments, SAJ

Subject: FW: Lake Okeechobee Regulation Schedule

From: Hypofamily@aol.com [mailto:Hypofamily@aol.com]

Sent: Monday, September 25, 2006 1:59 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee Regulation Schedule

Dear Mr. Milam,

I am a flyfisherman and our family has a home on Sanibel. I am writing you because I am very concerned about the quality of the water around Sanibel and the health of the overall estuary. My perspective is that I was educated as a biologist but more practically when I fish I stand on the bow of the boat looking into the waters of Pine Island Sound. The before and after picture of what I have observed is not pretty. The grasses have been compromised and the various algae blooms are something I did not see when we first started coming to Sanibel fifteen years ago. The miscellaneous impacts are now well documented.

The health of the estuary must be protected for its own sake but if it must be put into financial terms, clean water and a healthy ecosystem are worth far more than protecting the interests of the sugar cane industry.

Please do everything you can to manage the water releases so to optimize the health of the waters around Sanibel and Pine Island Sound.

Sincerely,

Richard Hypes Family 5542 Indian Court Sanibel, FL 33957

From:

Sticht, Nancy J SAJ

Sent:

Friday, September 29, 2006 11:35 AM

To:

LORSSComments, SAJ

Subject: FW: The Caloosahatchie River

**From:** Jono Fisher [mailto:jono\_fisher@yahoo.com] **Sent:** Monday, September 25, 2006 11:20 AM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** The Caloosahatchie River

### Hello!

I am a commercial photographer who's "2nd home" is SW Florida. The Caloosahatchie River and the barrier islands of Sanibel and Captiva have been my destination of choice for work and play for the last 5 years. There needs to be some public responsibility system put in place where the communities surrounding the entire River are involved, and can actively participate, and profit from. Something has to be done soon or we will loose our most precious resource. Let me know if I can help.

Jono Fisher - Photographer www.jonofisher.com

Get your own web address for just \$1.99/1st yr. We'll help. Yahoo! Small Business.

From:

Sticht, Nancy J SAJ

Sent:

Friday, September 29, 2006 11:34 AM

To: Subject:

LORSSComments, SAJ FW: Caloosahatchee River

----Original Message----

From: Connie [mailto:conniec@bvk.com]
Sent: Monday, September 25, 2006 10:50 AM

To: CESAJ-CC, PublicMail SAJ

Cc: crca.caloosahatchee.org; Frank; dad

Subject: Caloosahatchee River

Dear Mr. Milam,

I have lived in the Fort Myers/Cape Coral area for 15 years. When I moved here this environment was pristine and beautiful or so I thought. There wasn't any red tides or red drift algae or beaches being closed to swimmers because of bacteria.

Now I realize that since I came here so have many other people. I also understand that most of the people need to be educated about limited use of fertilizers, native plants for their yards and many other things that average citizens could take upon themselves to better our local environment.

I believe in the practice that Sanibel Island has in place of educating a prospective citizen on the philosophy of the island which is to preserve not only the land but the surrounding waters by being a conscientious member of the ecosystem. I firmly believe all the surrounding cities should educate all of their existing and prospective citizens as well.

But beyond having locals protecting our precious resources we also need your help. The contaminated water that comes to us from the Caloosahatchee is the fault of the government. As I have done a lot of research on this issue over the last five years I have learned that the federal government is to blame for destroying our river and thus our estuaries and gulf. I wish I had lived here when the waters of the Caloosahatchee were 'gin-clear' and being fed by a waterfall. It's no wonder the Calusa Indians chose this area, it was the most productive estuary in the state. That is also why they 'ruled' the state because they had control of this 'gold mine'. What a shame that it has been ruined.

I have two small children and yesterday went out to Cayo Costa by boat because I know it is the only place I can see beautiful Caribbean blue water. Imagine my dismay when I got there and it was tannic-looking. We went a mile from the northern tip and it was the same. I was afraid to let them swim and warned them to only go up to their tummy. Almost all of Sanibel had health department signs posted last week along their beaches because of bacteria. They will determine no later than tomorrow whether or not they can come down.

It is so disheartening to watch it continue to deteriorate and to know that the new Army Corps plan will worsen our environment. I don't understand how our needs are not being taken into consideration??!! Believe me I have exhausted my lungs and knowledge with everyone I know and my children so that they will also become stewards for our environment. I just hope that it isn't too late.

Connie Casdia Cape Coral

From: Sticht, Nancy J SAJ

Sent: Friday, September 29, 2006 11:34 AM

To: LORSSComments, SAJ

Subject: FW: Caloosahatchi River water flows

**From:** mspackard@att.net [mailto:mspackard@att.net]

Sent: Monday, September 25, 2006 10:35 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Caloosahatchi River water flows

It is obvious that the Army Core of Engineers is following a policy that in and of itself has flaws in it. The Core is doing nothing wrong, but the policy goals reviously set have disasterous consequences and MUST BE CHANGED. If more water is stored on the surfaces propossed we can have a win win solution--inertia or no change will bring disasterous economic and ecelogical consequences. Please entertain changes--don't get trapped by inertia with no changes. Martin and Enid Packard 4140 West Gulf Drive Sanibel, FL

From: Robbins, Erica A SAJ

Sent: Monday, September 25, 2006 10:36 AM

To: 'M11Berg@aol.com'

Cc: LORSSComments, SAJ

Subject: RE: Lake Okeechobee water releases

#### Mr. Berg:

Thank you for your comments- I am forwarding them to Yvonne Haberer, to be included in the record. We appreciate your interest and your comments- enjoy your day! Erica

Erica A. Robbins
Outreach Program Specialist, South Projects
U.S. Army Corps of Engineers
Corporate Communications Office, Outreach Team
1400 Centrepark Boulevard, Suite 750
West Palm Beach FL 33401-7402
P: 561-683-1577 x 32 C: 561-801-5734 F: 561-683-2418
erica.a.robbins@saj02.usace.army.mil

From: M11Berg@aol.com [mailto:M11Berg@aol.com]

Sent: Sunday, September 24, 2006 7:15 AM

To: Robbins, Erica A SAJ

Subject: Lake Okeechobee water releases

Dear Ms. Robbins,

I am writing about the Army Corps of Engineers possible plan to revise the way in which Lake Okeechobee water releases are managed for the next 3 years. The current proposed plan focuses solely on the health of Lake Okeechobee, virtually ignoring negative impacts to the Caloosahatchee River, area estuaries and the SW Florida gulf.

We have been owners of a nice Gulf front condo on Sanibel Island since 1997 and have been enjoying the beauty of the islands and the clear waters surrounding the islands since 1995.

In the last few years we unfortunately had to witness the water and beach conditions going down due to algae and dead fish - in the beginning just a few days but no improvements after all. The reason: the water releases from Lake Okeechobee.

Like many other condo owners we are renting out the condo while we are not vacationing there. Referring to the worsening conditions this is getting more and more difficult or even imposssible. This year alone we had to face 3 cancellations of bookings due to the actual water quality including a long term renter who came for the last 7 years and each time stayed for 4-6 weeks. Now they are planning their vacations somewhere else, where water quality is not an issue. This is just a single example how the water releases are affecting tourism in SWF. Loosing tourists may end in closing businesses and declining property values, thus in lower income taxes as well as property taxes.

The currently proposed plan of the Army Corps of Engineers will, if adopted, make the situation worse and further damage the estuaries, causing continued episodes of algae overgrowth with profound repercussions to the entire ecosystem, thus hurting the economy too.

A plan must be adopted that better protect estuaries, includes the health of estuaries in day-to-day management decisions, and more equitably plans for discharges in multiple directions-not just targeting the Caloosahatchee River. Protecting the health of downstream ecosystems and the people affected by releases from Lake Okeechobee must be a priority equal to protecting the health of the lake itself.

As a SW Florida home owner, I strongly urge you to ensure that any plan adopted for future releases from Lake Okeechobee will take into account the impacts of such releases on the receiving waterways and that the health of the receiving ecosystem will be protected with the same vigor as the health of Lake Okeechobee. Both affect vital resources and people.

Sincerely,

Michael Berg 201 Sandpiper Beach 1919 Olde Middle Gulf Dr.

10/4/2006

33957 Sanibel, Florida

from Hainstrasse 9 61476 Kronberg im Taunus Germany

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 10:00 AM

To:

LORSSComments, SAJ

Subject:

FW: Lake O Releases

Attachments: 092406 Pete Milam Ltr.doc

From: DaveDFCI@aol.com [mailto:DaveDFCI@aol.com]

Sent: Sunday, September 24, 2006 10:46 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Lake O Releases

Dear Mr. Milam,

Attached is a letter asking for your help in improving the management of Lake Okeechobee releases. You've got a tough job on your hands, but a lot of people and animals are counting on you to do your best.

Thank you for your consideration.

Dave DeWalt

# David and JeanAnn DeWalt 247 Daniel, Sanibel, FL 33957 September 24, 2006

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Dear Sir:

Re: Lake Okeechobee Regulation Schedule Study

We are owners of a home on Sanibel Island. We have read with increasing concern about the Corps of Engineers' proposed plan to manage Lake Okeechobee water releases from 2007-2010 known as the Lake Okeechobee Regulation Schedule Study. It is our fear that the proposed plan is worse than the plan used by the Corps the last few years, which has produced an unmitigated disaster for the Caloosahatchee estuary and Lee County, including Sanibel and its neighbor, Captiva Island.

In the two years we have owned property on Sanibel, I have witnessed first-hand the impact of Lake O releases on the waters surrounding the island. I wade-fish almost daily, and have seen clearly the death of grassbeds, the profusion of filamentous algae, and the buildup of sediments.

While I respect and appreciate the fact that "excess water must go somewhere, and nobody wants it," I also believe that current plans do not reflect the full arsenal of alternatives available.

With that as background, here are our comments on the Lake Okeechobee Regulation Schedule Study.

First and foremost, the proposed plan must be changed to force the water managers to keep releases within their own (the Corps) biologists' accepted limits, which is something the "tentatively selected plan" fails to do. In fact, experts say that it will be worse for Caloosahatchee estuary than the current plan.

It is reprehensible to release into the environment from Lake Okeechobee quantities of water in excess of what biologists say is the limit the estuary can handle. The "tentatively selected plan" must be changed by addition of a mandate that the water managers must not exceed biologists' ceiling for releases. Biologists have determined the estuary can take up to 2,800 cubic-feet-persecond (cfs) from Lake Okeechobee during the wet season, and down to somewhere between 600 cfs and 800 cfs during the dry season. If more than that is released, then you are putting too much fresh water, too full of nutrients and too polluted into a salt-water estuary. The "tentatively selected plan" ignores the biologists' advice and permits far greater water releases. It should be brought into line with the biologists' advice — which, as you probably can guess, comes back to sea grasses.

Second, the Corps' model used in the proposed plan can be much better. The reason there is a problem now is because the Corps has been using data that fails to take into account the methodology that meteorologists use, which says that you have roughly 30 years of a dry cycle and a 30-year wet period. Lee County is now about two or three years into a new wet cycle. The Corps' model was updated to go through the year 2000, which means it is not up to date. To bring it up to date, data through 2005 needs to be added. That will confirm the change from one cycle to the other has happened, and it needs to be taken into account by change in the "tentatively selected plan."

Next, the Corps' proposed plan is much too lenient – it confers too much discretion upon the water managers. In fact, it has things turned around. It now contains too much opportunity for the water managers to just decide, depending upon what a couple of staffers or whoever influences them happen to think at the time, when to release water. They should only be allowed to release water from Lake Okeechobee, if they ever release excessive water, at times when there is a severe problem with the Lake.

The objective should be to manage the Lake down to the lowest possible level. Concerns about that from the water supply people (agriculture and the cities in Southeast Florida who get water from the Lake) have been addressed by the South Florida Water Management District, which has agreed to purchase and install forward pumps that will make it possible to meet the water supply needs of these people with the Lake at a lower level. There should be no reason not to be able to operate the Lake with some precision at a lower level year-round and to keep ongoing releases lower level and <a href="multi-directional">multi-directional</a>. Releases need to go south and east as well as west. The Corps' presently proposed plan contains none of this. It should contain all of it. The fact is that the Corps' "tentatively selected plan" will inflict great damage on the people of Southwest Florida in order to assure their easterly neighbors of adequate water supplies. It makes no allowance whatsoever for the protection provided them in this regard by the planned forward pumps and fails to fairly spread the pain available through multi-directional releases. These deficiencies should be corrected.

Further, the Corps' proposed plan needs to include provision and allowances for use of the c. 450,000 acre-feet of water storage already owned or leased by the South Florida Water Management District. This storage capacity needs to be connected to the Lake, and used in management of its level and water releases. The Corps could purchase or lease this storage capacity from the District. The regulation schedule should be amended to take this fact into effect.

In conclusion, we believe the Corps' presently proposed plan threatens destruction of the economy of Southwest Florida, and respectfully ask that it be amended as suggested in these comments.

Sincerely,

Dave and JeanAnn DeWalt

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 10:00 AM

To:

LORSSComments, SAJ

Subject: FW: (no subject)

From: AGinipro@aol.com [mailto:AGinipro@aol.com]

Sent: Sunday, September 24, 2006 6:57 PM

To: CESAJ-CC, PublicMail SAJ

**Subject:** (no subject)

Mr. Milam, As a resident of Sanibel, Florida I feel it necessary to contact you regarding the proposed plan to manage Lake Okeechobee water releases. We need to carefully monitor these releases to help the quality of our waters and marine life. We need to protect the entire estuary system of Southwest Florida or the consequences will be enormous and irreversible. Please help. Maureen and Andy Ginipro, 4619 Brainard Bayou Road, Sanibel Florida

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:57 AM

To: LORSSComments, SAJ

Subject: FW: lake okeechobee regulation schedule

**From:** claudia burns [mailto:cshellart@hotmail.com]

Sent: Sunday, September 24, 2006 1:26 AM

To: CESAJ-CC, PublicMail SAJ

**Cc:** sanibel city councilmembers; mikev@purre.org **Subject:** lake okeechobee regulation schedule

dear army corps of engineers -

the schedule you plan to adopt for lake okeechobee water releases from 2007-2010 MUST be revised as soon as possible. this plan will do immense - perhaps irreparable - harm to the caloosahatchee estuary. in fact it could *kill* our estuary, which was considered one of the healthiest estuaries in the world just two years ago. the death of our estuary will mean the death of our economy - thus, the death of our tax base (which helps pay the salaries of army corps personnel!) . . . . *you must change this plan to keep releases within your own biologists' accepted limits!* you must give our estuary as much consideration as you give to release/storage possibilities to the east and south of lake okeechobee. in emergency situations there must be shared adversity - not just arbitrary flushing of dirty fresh water down the caloosahatchee. please don't kill our estuary and destroy our unique sanctuary island! thank you - claudia burns, sanibel

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:57 AM

To: LORSSComments, SAJ Subject: FW: Florida Water quality

From: Jean Ann Heuer [mailto:jeanann@starmax.com]

Sent: Saturday, September 23, 2006 9:51 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Florida Water quality

It distresses me a great deal to learn that the U.S.Army Corps of Engineers seem to be doing nothing to minimize the fresh water releases flowing from Lake Okeechobee into the Caloosahatchee River and consequently into our estuaries and waters. Is there no one who cares about the future of Florida wildlife as well as our way of life? It has been well documented that our state with its treasure of habitat for water, bird, and animal life, as well as human health and well being, is under siege and is being destroyed. Surely the U.S.Army Corps of Engineers has the power to stop this kind of uncontrolled mismanagement. I have been following the discussions and public comments of some of our most knowledgeable citizens who are pleading with the corps to change direction and save our state. It can be done. Listen to PURRE. Please, don't let the sugar industry take control of the nature of Florida.

Sincerely,

Jean Heuer, 2475 West Gulf Drive, #105, Sanibel, FL. 33957

jeanann@starmax.com

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:57 AM

To: LORSSComments, SAJ

Subject: FW:

From: Seniorwolf@comcast.net [mailto:Seniorwolf@comcast.net]

Sent: Saturday, September 23, 2006 11:58 AM

To: CESAJ-CC, PublicMail SAJ

Subject:

#### To Pete Milam

I am 78 yrs old. My grandfather moved to Florida, my father grew up in Florida. My brothers and I were born and raised in Florida. I have seen and can testify to the damage that has been done in my lifetime to the waters on both East and West coasts by the management of Lake O and the Everglades. The protection given sugar corporations who polute these waters is shameful.! It is past time to stop the damages done to the esturies.

For many years I now live on a canal. (Sanibel) I have not seen clear water, I have not even seen murky water. I can't even see bottom! Days of my childhood (Lake Worth, FL) there were minnows, tadpoles, water bugs, clear clear fresh water in the canals near my home. A few hyacynths. At the shoreline of my uncles salt water dock (58th Street West Palm Beach) there were live shells galore, many many small fish, clear clear water at high tide. A recent visit there...small waves still lap on the beach, NO live shells, a very few minnows struggling to exist. How sad!

Decisions should be made using current information on the amount of polution being deposited is a start.

M. Jeanne Wolf 1066 S Yachtsman Dr Sanibe, Fl 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:57 AM

To: LORSSComments, SAJ

Subject: FW: Okechobee water releases must be cut back

From: Captivavacation@aol.com [mailto:Captivavacation@aol.com]

Sent: Saturday, September 23, 2006 8:24 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Okechobee water releases must be cut back

#### Dear Mr Milam,

Planned water releases from the lake will worsen our water quality in the SW Florida Barrier Island area and again damage our ability to maintain a healthy eco balance. We will then lose more visitors, residents and revenue the area generates. It's time to stop the brown murky water, unhealthy conditions for humans, and deadly conditions to wildlife that excessive nutrient enriched fresh water releases have caused in the past.

Sincerely,
Larry Hahn & Donna Casella
877.727.7100 (Toll Free US & Canada)
+1 239.590.0707 (UK & Europe)
CaptivaVacation.com
Sanibel/Captiva Chamber of Commerce Member

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:56 AM

To:

LORSSComments, SAJ

Subject:

FW: Lake Okeechobee Water Releases

----Original Message-----

From: Cathy [mailto:island@sanibel-captiva.org] Sent: Friday, September 22, 2006 12:05 PM

To: CESAJ-CC, PublicMail SAJ; karasue@comcast.net; mikesanibel@aol.com

Subject: Lake Okeechobee Water Releases

I have been coming to Sanibel-Captiva since 1958. I even rode the ferry over. All of our family reunions have always been held here. I think it is a disgrace of the water quality today due to the release of water from Lake Okeechobee. The water here had always been a blue green color. You could stand up to your neck in the water and see your toes. It was spectacular. The water is so brown today you can't see your feet in ankle high water. The algae is disgusting. We never had red tide here years ago. It is sad to see the tourism declining when we advertise such beautiful waters on our islands. You are killing our future for tourism, our jobs, our real estate and our islands. Driving over the causeway I noticed a jet ski with disgusting brown water shooting out of it. I work for the Sanibel-Captiva Chamber of Commerce. What do you expect us to tell the visitors on the one vacation they have a year and they can't even go swimming in the gulf from the red tide, red algae and dead fish all over the beach and burning eyes and coughing? Would you like to save your money all year long to plan on a wonderful vacation to come here and have this happen to you? Maybe you could donate a few billion dollars towards the clean up of our waters on Sanibel-Captiva islands. This condition is getting continually worse. This is not only affecting us, it is also affecting most of southwest Florida. How can you all keep denying that these water releases from Lake Okeechobee have nothing to do with the water conditions we have here now? Why don't you jump on a plane and come down and see for yourself (it's a disgusting aerial sight to see) . Imagine what it is like in person for us and the vacationing visitors coming to our islands. I know I'm just one person voicing my opinion, but hope there are thousands of others responding to this with the hope that these water releases will stop.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:56 AM

To: LORSSComments, SAJ

Subject: FW: Polluted water

From: Starbecca1@aol.com [mailto:Starbecca1@aol.com]

Sent: Friday, September 22, 2006 10:30 AM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Polluted water

#### Corps:

This is my 4th attempt to send an email regarding the water releases from Lake O down the Caloosahatchee River. This has a negative impact on our estuaries and wetlands and we the citizens of this area are asking for long term solutions that do not continue causing damage. As homeowners and members of an association we are told we must keep our water on our own property. Why isn't Lake O held to the same standards? Our representatives in Tallahassee and Washington will continue to be bombarded by the citizens of Southwest Florida until the Corps of Engineers implements a fair solution.

Rebecca and Lane Garrett 12940 Kedleston Circle Fort Myers, FL 33912 239-225-9162

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:56 AM

To: LORSSComments, SAJ

Subject: FW: Lake Okeechobee Regulation Schedule Study

**From:** Sunsanibel@aol.com [mailto:Sunsanibel@aol.com]

Sent: Friday, September 22, 2006 6:31 AM

To: CESAJ-CC, PublicMail SAJ

Cc: cusmanocarol@hotmail.com; GALUCHT@aol.com; TED.BUECKER@illinois.gov; sanibelbliss@mac.com;

carl.neumann@hklaw.com; Sunsanibel@aol.com; Sundialwest@aol.com; sanibelweb@comcast.net; Sundialeast@aol.com

Subject: Lake Okeechobee Regulation Schedule Study

On behalf of the 266 owners of Sundial of Sanibel, a Gulf of Mexico complex, we oppose water releases from Lake Okeechobee that is causing damge to our environment and poor water quality.

Business is being also impacted by the water quality. We have had cancellations and our business is down that is specifically attributed to red tide to red algae.

Candy Harris Board of Directors Sundial of Sanibel

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:56 AM

To: LORSSComments, SAJ

Subject: FW: Lake O

From: mmeek1640@comcast.net [mailto:mmeek1640@comcast.net]

Sent: Friday, September 22, 2006 6:23 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O

Save our estuary and stop ignoring the public input and scientific evidence that supports the damage your releases are causing. Marge Meek

Sanibel, FL

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:55 AM

To: LORSSComments, SAJ

Subject: FW: Sanibel

**From:** skddalbec@aol.com [mailto:skddalbec@aol.com]

Sent: Friday, September 22, 2006 6:04 AM

To: publicmail.cesaj-cc@sajo2.usace.army.mil; CESAJ-CC, PublicMail SAJ

Subject: Sanibel

Please maintain water releases from Lake Okechobee within biologists recommendations to avoid harmful bacteria affecting Sanibel Island. Red tide, e.coli, etc are changing the water quality of the island and affecting wildlife estuaries as well as the health and well being of the island residents and visitors.

Thank you, Sandra Dalbec Sanibel, FL

<u>Check out the new AOL</u>. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:55 AM

To: LORSSComments, SAJ Subject: FW: Lake Okeechobee

**From:** Julie Boyd [mailto:juliaboyd@comcast.net] **Sent:** Thursday, September 21, 2006 2:49 PM **To:** publicmail.cesaj-cc@usace.army.mil.

Subject: Lake Okeechobee

Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd., Jacksonville, FL 32207

Dear Mr. Milam:

I do not know the answer, only that there is a problem. I rely on those with the proper education and those in the positions to help to do the research and come up with an answer. Here is where the Corps of Engineers has the authority. Please help.

There is something happening to the waters around Sanibel. There is this green slime and it is new. The birds and fish react to it in negative ways either by leaving or dying. The waters are changing and most alarmingly, they are changing rapidly. Our tourist are swimming in tannin-colored waters. We have lived here only 5 years and yet we can see a rapid decline. Something has happened and whatever it is, it must be stopped.

This is a question of <u>quality</u> of water. This is an important part of the equation of what to do with excess water in Lake Okeechobee. It is obvious there are ramifications. Please consider the advice of the water <u>quality</u> experts, not just the engineers.

If the Corps of Engineers doesn't have the gumption to step in, who has the last word?

Sincerely,

Julia Boyd 9040 Mockingbird Drive Sanibel, FL 33957 239-395-0464

cc: Representative Connie Mack

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:55 AM

To:

LORSSComments, SAJ

Subject: FW: sanibel estuary

**From:** pbzell@aol.com [mailto:pbzell@aol.com] **Sent:** Wednesday, September 20, 2006 5:19 PM

To: CESAJ-CC, PublicMail SAJ Subject: sanibel estuary

please take care in your decision involving the water releases from lake O to protect the interests of the pine island sound and the waters surrounding captiva and and sanibel island in southwest florida.

<u>Check out the new AOL</u>. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:55 AM

To: LORSSComments, SAJ

Subject: FW: Pete Milam US Army Corps of Engineers/Sanibel estuary

**From:** Jspanogle@aol.com [mailto:Jspanogle@aol.com]

Sent: Tuesday, September 19, 2006 11:37 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Pete Milam US Army Corps of Engineers/Sanibel estuary

Pete Milam, Project Manager

Change the tarnished reputation of the US Army Corps of Engineers.

### Act responsibily.

Listen to the biologists reports on what the ceilings should be for the release of Lake O's water.

Save our estuary.

Howard & Juanita Spanogle 1610 Middle Gulf Drive E4 Sanibel, FL 33957

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:54 AM

To:

LORSSComments, SAJ

Subject:

FW: Lake Okeechobee Releases

Importance: High

From: Pam Higgins [mailto:sanibelcat@earthlink.net]

Sent: Tuesday, September 19, 2006 7:08 AM

To: CESAJ-CC, PublicMail SAJ

Cc: Mainstboone@aol.com; irishguard@earthlink.net

Subject: Lake Okeechobee Releases

Importance: High

I live on Sanibel Island and invest in south Fort Myers Florida. I'm asking that you modify your 2007-2010 Lake O release schedule to meet your own objectives and to protect the Caloosahatchee River and estuary. You must protect the dike and estuary. Please recognize the damage already inflicted on Southwest Florida by your previous releases. It's urgent that you prevent water releases that exceed your own biologists' recommendations! A more equitable plan for discharges in multiple directions, not forcing the Caloosahatchee River to suffer the largest burden must be developed immediately!

The Ding Darling National Wildlife Refuge, Sanibel/Captiva and all of Southwest Florida is taking a horrible hit from the Lake O releases. The talk of all the tourists is that they won't be returning to southwest Florida! You can not let this happen! Please save Southwest Florida while there is still time!

Pamela D. Higgins 513 Rabbit Road Sanibel, Florida (239) 472-4823

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:53 AM

To: LORSSComments, SAJ

Subject: FW: LORSS- New Rule - Wrong / No Tools

From: Bill Maciag [mailto:wjmacia@adelphia.net]
Sent: Monday, September 18, 2006 2:08 PM

To: CESAJ-CC, PublicMail SAJ

Cc: Bill Bobb

Subject: LORSS- New Rule - Wrong / No Tools

#### Dear Mr. Peter Milam, PM

The recently published LORSS New Rule for managing Lake O levels below 17.25 feet appears to only satisfy your COE officials because of their concern for the integrety of the Hoover Dike. The newspaper article stated you listened to public input but I recall that the outcry called for managing the lake between 12.5 feet and 15.5 feet. Also the article stated you had no tools to manage the lake levels without discharges through the C-44 Canal into the St. Lucie River and westward through the Caloosahatchee

River. Your Corps is overlooking one of the greatest tools--- a South Flow-way to the Everglades through some of the public's land currently leased by Big Sugar.

The USACE should quit appeasing Big Sugar, which I am told will soon be controlled by Brazilian interests.

Sincerely, Bill Maciag - Concerned Stuart Resident

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:53 AM

To:

LORSSComments, SAJ

Subject: FW: Lake Okeechobee Water discharges

From: Eldoctoro@aol.com [mailto:Eldoctoro@aol.com]

Sent: Monday, September 18, 2006 9:21 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee Water discharges

#### Sirs:

Add my name to the long list of people who are fed up with the water quality in and aorund Sanibel Island FLorida because of the polluted water being discharged form Lake Okeechobee.

I have asthma and the red tides that follow this the poluted discharges is hurting my health. Last July I went through the full length of the waterway from Stuart to Fort Myers and it is a sad thing to see the mess and the way the lake has become an open sewer. In my view the management of the water to help the sugar industry is causing far greater negative impact to the state of Florida and to the tourism industry.

We in Sanibel want clean water and will continue forever to press for the needed reforms of Lake Okeechobee water management until we succeed.

Thomas DeBenedictis 1310 Junonia St. Sanibel Island Florida 33957

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:53 AM

To:

LORSSComments, SAJ

Subject: FW: Lake Okeechobee Water discharges

From: Eldoctoro@aol.com [mailto:Eldoctoro@aol.com]

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We in Sanibel want clean water and will continue forever to press for the needed reforms of Lake Okeechobee water management until we succeed.

Thomas DeBenedictis 1310 Junonia St. Sanibel Island Florida 33957

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:52 AM

To:

LORSSComments, SAJ

Subject: FW:

From: Paul Reynolds [mailto:PR@PaulReynolds.us] Sent: Sunday, September 17, 2006 2:01 PM

To: Paul Reynolds

Subject:

For me the most telling moment of last week's USACE presentation on the Army Corps of Engineer's disastrous discharge schedule was the reply to a rhetorical question posed by Sanibel resident, Chet Sadler. He asked Col. Grosskruger if the current schedule and plans are part of Everglades Restoration.

The politically correct answer from them is, "yes, absolutely, Mr. Sadler".

Unfortunately Col. Grosskruger didn't know the answer. He turned to Dennis Duke, who's been with USACE since the invention of the shovel, and he didn't know either.

Whether Freudian or divine intervention, the simple truth slipped out right then.

This water, that's too polluted to go into the everglades or storm water treatment storage reservoirs. This water that's is so vile it causes lesions on fish and people on the Florida East Coast, and poisonous oysters, fish kills, and nurtures 5 or 6 varieties of algae that choke off various preferred life forms on the West Coast. This water that is now measurably impacting our tourism business and destroying our fishing industries, and the solution from these government agencies is to create thousands of additional acres to store it and make it worse, and continue to destroy the communities who provide the least resistence to their policy.

One should know that the absolute number one priority for the system and public safety would be to clean it up.

Can you possibly be unmoved by the fact that cleaning the Lake water is such a remarkably low consideration that may occur in 15 or 20 years if everything works out as planned? Understanding that with the folks in charge, NOTHING has ever worked out as planned.

The CERP and ACCELER8 plans are not about cleaning the system, nor restoring the Everglades. They are about storing water, nasty, health threatening, polluted water.

The people of Sanibel understand. The people of St Lucie area understand. When the lawsuits finally hit the people of USACE and SFWMD will understand...well I may be wrong about them.

Paul Reynolds

Sanibel

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:52 AM

To: LORSSComments, SAJ Subject: FW: water releases

From: Marian M Pool [mailto:marimoo@ptd.net]
Sent: Sunday, September 17, 2006 10:17 AM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** water releases

The proposed plan - Lake Okeechobee Regulation Schedule Study - must be changed to keep releases within biologist's accepted limits. Protect the estuary!

Marian M. Pool, 2311 W. Gulf Dr., Sanibel, Fl. 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:52 AM

To: LORSSComments, SAJ

Subject: FW: Lake Okeechobee Water Level

**From:** Mary Ann Westwood [mailto:mawestwood@yahoo.com]

Sent: Saturday, September 16, 2006 11:36 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee Water Level

Thank you for having these public meetings around the state in regards to Lake Okeechobee.

Unfortunately I missed the one here in Martin County.

But I did find the article in the Stuart News about keeping the lake level below 17.25 feet.

Everyday I check the reported level of Lake Okeechobee in the Stuart News.

I know that if you keep the level in the 11 foot range the health of the Lake & the esturaries are in a healthy state.

Why try to keep under a HIGH level of 17.25 feet.

You need to keep it under 14 feet with an ideal level of @ 11 feet.

This high level just chokes out the plants that keep the lake clean naturally!

thank you for your time

Mary Ann Westwood

Palm City, Florida

Yahoo! Messenger with Voice. Make PC-to-Phone Calls to the US (and 30+ countries) for 2¢/min or less.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:51 AM

To: LORSSComments, SAJ

Subject: FW: Lake O water releases

From: Rrriiisss@aol.com [mailto:Rrriiisss@aol.com]

Sent: Friday, September 15, 2006 6:17 PM

To: CESAJ-CC, PublicMail SAJ Subject: Re: Lake O water releases

#### Gentlemen,

As a long time resident of Sanibel Island, I feel compelled to comment on the planned water release schedule of Lake Okeechobee. I know that I am not alone in my feelings that this is the worst case scenario for the entire state after suffering two years of devastating hurricanes. The southwest part of the state has additionally suffered from constant attacks of red tide, a causeway replacement that is woefully behind schedule, a serious increase in the mosquito population and last but certainly not least, we have citrus canker! And now our very own military is almost insuring us that they can REALLY finish us off by polluting the the rivers and estuaries! While all this sounds and is, in fact, AWFUL, the single most horrible fact is that it is our very own MILITARY that is doing it to us! This is the same military that is putting their lives on the line to save Iraq and Afganistan and give them the opportunity to have a democracy! And you and the President AND his brother (the Governor) want us to trust them and back them and live under constant terrorist threat, yet you stab US in the back! Why? What is motivating you to "sell us out"? One can only think that the Cuban sugar cartel with VERY deep pockets, is more important than your own people. Why else would you completely disregard not only your own biologists reports, but also the will of your people? I assure you that your disregard for us will be a major factor in who I vote for and how I will ultimately NEVER trust our government or their representatives to act in our best interests!

Iris Hoffman, Sanibel resident

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:51 AM

To: LORSSComments, SAJ

Subject: FW: A POSSIBLE SOLUTION for SW Florida/ ALGAE!

From: Colleen Sugden [mailto:colleen@selements.net]

Sent: Friday, September 15, 2006 12:15 PM

To: CESAJ-CC, PublicMail SAJ

Subject: A POSSIBLE SOLUTION for SW Florida/ ALGAE!

I had the pleasure to attend the event last night, THANK YOU!

Here's a short paragraph on the SolarBee:

The SolarBee is the world's leading solution for sustainable water quality in any size lake or reservoir. Using only solar power, the SolarBee operates day and night to gently circulate the water across the surface from any depth to provide consistent algae control, improved water clarity, and enhanced recreational, aesthetic, and property values. Each machine can influence up to 45 surface-acres, operate safely and silently, and require no ongoing maintenance during the expected 25+ year life-span.

Colleen Sugden 404-217-3393

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Version: 7.1.405 / Virus Database: 268.12.4/448 - Release Date: 9/14/2006

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:51 AM

To: LORSSComments, SAJ

Subject: FW: Lake Okeechobee management plan.

**From:** Fifwbb@aol.com [mailto:Fifwbb@aol.com] **Sent:** Friday, September 15, 2006 11:14 AM

**To:** CESAJ-CC, PublicMail SAJ **Cc:** jeb.bush@myflorida.com

Subject: Re: Lake Okeechobee management plan.

Dear Col. Grosskruger,

My name is Jon.L. Thompson. I live on Sanibel Island, Florida. I attended the meeting you held in Fort Myers on Sept.14th and had signed up to speak but the meeting went on too long for me to wait. I had two points I wanted to bring up at the meeting:

- 1. As a Geologist by profession I am concerned that you do not fully understand the relationship between the Lake and the limestone that underlies the Lake and most of the rest of the Everglades.I imagine most of the seepage downward below the Lake as well as at the base of the dike is to the South, which would be the natural flow direction through the porous limestone. Have adequate studies been made to quantify the flow effects in the past, now and in the future through the limestone? Two other things that need to be understood in this regard are the changing permeability at the bottom of the Lake and the effect that different water levels have on the pressure (head) forcing water into the limestone downward from the Lake. The permeability is related to the buildup of sediment, sludge, etc. along the bottom which acts to restrict downward flow that would naturally occur into the limestone and thus contribute to keeping the Lake water lel higher. As with any aquifer system the more head (pressure vertically from the volume of water above the water table) the more downward and horizontal flow will take place naturally. These dynamics could have a significant effect on any models that are made for the Lake.
- 2. I did not hear what went into the computer models that would constitute alternatives if you constrained the flows into the St.Lucie and Caloosahatchee to those that would be acceptable to minimize damage in those two directions. For example, diverting the inflow volumes, create more southward flows using existing avenues, or even creating temporary diversions to let water flow southward from existing locks along the St.Lucie and Caloosahatchee systems. I think the main issue is to mitigate the excess above acceptable flow levels during those times.

Thank you for considering these points. Everyone seems to be working for an acceptable solution. This is not the first time we have had to try to correct a problem that sounded like a good idea to some at the original time.

Jon L Thompson 4265 West Gulf Dr. Sanibel,FL 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:50 AM

To: LORSSComments, SAJ

Subject: FW: Comments on Lake O Regulation Schedule

From: Darla [mailto:letournd@peoplepc.com]
Sent: Friday, September 15, 2006 10:56 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Comments on Lake O Regulation Schedule

#### Dear Sir,

I just got a "bounce back" from the e-mail I sent you on 9/12. I'm sending again (think I had an other dash in the e-mail address!). Your serious consideration to these comments would be greatly appreciated.

#### Darla Letourneau

From: Darla [mailto:letournd@peoplepc.com] Sent: Tuesday, September 12, 2006 9:17 AM

To: Army (publicmail.cesaj--cc@saj02.usace.army.mil)

Cc: Senator Bill Nelson (billnelson@senate.gov); Senator Mel Martinez (mel\_martinez@martinez.senate.gov); barbara cooley (bjoycooley@comcast.net); Maureen Valiquette (moevali@comcast.net); 'Bob Janes (dist1@leegov.com)'; 'Doug St. Cerney (dist2@leegov.com)'; 'John Albion (dist5@leegov.com)'; 'Ray Judah (dist3@leegov.com)'; 'Tammy Hall (Dist4@leegov.com)'; 'Governor Bush (jeb@myflorida.com)'; 'Rep. Bruce Kyle (bruce.kyle@myfloridahouse.gov)'; 'Rep. Jeff Kottkamp (jeff.kottkamp@myfloridahouse.gov)'; 'Rep. Marco Rubio (marco.rubio@myfloridahouse.gov)'; 'Rep. Mike Grant (michael.grant@myfloridahouse.gov)'; 'Rep. Paige Kreegel (paige.kreegel@myfloridahouse.gov)'; 'Rep. Trudi Williams (trudi.williams@myfloridahouse.gov)'; 'Senator Burt Saunders (saunders.burt.web@flsenate.gov)'; 'Senator Dave Aronberg (aronberg.dave.web@flsenate.gov)'; 'Senator Ken Pritt (pruitt.ken.web@flsenate.gov)'; 'Senator Lisa Carlton (carlson.lisa.web@flsenate.gov)'; 'Senator Mike Bennett (bennet.mike.web@flsenate.gov)'; 'Carla Johnston (carlajohnston@earthlink.com)'; 'City Council (sancouncil@mysanibel.com)'; 'Jim Jennings (jnnjam9@aol.com)'; 'MickDenham@aol.com'; 'Steve Brown (mayor.brown@mysanibel.com)'; 'Tom Rothman (trothman@westgulfdigital.com)' Subject: Comments on Lake O Regulation Schedule

#### Dear Sir:

I'm a resident of Sanibel Island and have become increasingly concerned about the impact of Lake O releases on our estuary. The damage being caused by the Lake O releases down the Caloosahatchee are killing our waters, our wildlife, our way of life, and hurting the economy of Southwest Florida, which hurts the overall health of the State economy. After last summer's crisis, the communities of Florida affected by the Lake O releases have been vocal and organized in sounding the alarm and getting the attention of policy makers—locally, state-wide, and in Washington—and the media has kept the focus on the problem and its dire consequences. We really thought that the policy makers "got it"...then suddenly, the draft Lake O regulation schedule comes out and we're back to square one! What happened? How could the Corps ignore the impacts on the estuaries when setting these regulations? The lessons of Katrina should not be "protect the dike at all costs". Don't hide behind that argument, and create another disaster. The solution to this problem requires shared sacrifice, it requires using the best & most up-to-date data, and it requires balance and fine-tuning. The Lake O regulation schedule must not permit releases into the estuaries that exceed biologist's limits for environmental safety. The Corps protocol must maintain the Lake at a lower level by having ongoing low-level releases sent in ALL directions—not just down the Caloosahatchee. There is land owned by the Water Management and by the Corps where excess water can be stored in emergencies and this should be part of your regulation plan, NOW.

The Charlotte Harbor is a NATIONAL ESTUARY, part of EPA's national estuary program that is supposed to afford it extra protections. There's a management plan that all parties have agreed to help implement. Why is one arm of the Federal government destroying a resource recognized by another part of the same Federal government as a treasure to be protected and preserved? Please change the regulation schedule before you create another disaster that cannot be undone.

I am unable to attend the Corps' public hearing on September 14<sup>th</sup> but wanted to add my voice to those attending that important meeting. Please listen to the participants at that meeting and to the many other residents of Southwest Florida. We are well

informed, we're passionate, we're dead serious, and you know we're right.

Sincerely, Darla Letourneau

Darla Letourneau 1679 Serenity Lane Sanibel, FL 33957 letournd@peoplepc.com (239) 472-1179 cell: (239) 850-3219

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:50 AM

To: LORSSComments, SAJ

Subject: FW:

From: Paul Reynolds [mailto:PR@PaulReynolds.us]

Sent: Friday, September 15, 2006 10:44 AM

To: Paul Reynolds

Subject:

Very interesting dog 'n pony show came to Ft Myers last evening. The Army Corps of Engineers came to endure some mandated public hearings and show off their slightly surgically enhanced pony, claiming of course that it's new AND improved. The pony is named TSP (tentatively selected plan). It's part of their WSE (water supply and environment) schedule, known locally as We Slaughter Estuaries.

After being anesthetized by an hour of numbing charts and graphs, having nothing to do with solution and everything to do with career protection, a steady stream of passionate locals came forward to plead, accuse and threaten our presumed "abuser". It's heartwarming to witness such community spirit, and painful to accept the futility of the efforts.

The USACE is dominated by regulation and there are only two options for them to change: (1) if they were suddenly to change course and support a new direction, like their very own Plan 6; or if they, and SFWMD, are sued and FORCED to change plans. The likelihood of the first is about the same odds as me taking a rubber band out in the yard, pulling it back on my finger, aiming, and hitting Mars.

They know it's going to take legal action, they've told us before several times. Brian Bigelow, our new County Commissioner to-be, gets it. Tammy Hall, from her presentation, continues not to get it.

The plan, as it usually is with government agencies, is to wear us down. These folks have a formidable stall tactic now, and that's calling all these plans "tentative". I believe as soon as they drop that word from the title, the legal hammer is going to drop on them and we are going to force them toward solutions that are fair for everyone in the water system.

Paul Reynolds

Sanibel

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:50 AM

To: LORSSComments, SAJ

Subject: FW: lake okeechobee management schedule

From: Dc1sanibel@aol.com [mailto:Dc1sanibel@aol.com]

Sent: Friday, September 15, 2006 10:18 AM

**To:** CESAJ-CC, PublicMail SAJ **Cc:** LORSSComments, SAJ

Subject: lake okeechobee management schedule

I am extremely concerned that the proposed TSP will result in even greater degradation of our already fragile estuary because it calls for more days of extreme releases [ greater than 4600cfs ]. We have already lost the majority of our seagrasses [which is critical for the survival of juvenile fish ] and simply cannot afford more of the same/ continued large releases of nutrient laden water. Our quality of life and our economic wellbeing as an area highly dependent on nature, beaches and tourism are at great risk!

Please seriously consider not allowing releases to the Caloosahatchee in excess of biologists' recommendations. Also, we need a continuous base flow and lake discharges need to go in multiple directions including restoring the previous maximum to the St Lucie River. Additionally, if Lake Okeechobee were maintained at a lower water level year round, it could accommadate more inflow during the wet season resulting in less need for these massive releases. I was also dissappointed to see there is no paan to clean or filter any of this pollted water.

Thank you for taking the time to read my concerns.

Dan Cohn

From: Sent: To:	Sticht, Nancy J SAJ Monday, September 25, 2006 9:49 AM LORSSComments, SAJ
Subject:	FW: OOpscredit where credit is due
Original Messag	ge s [mailto:gerrireaves@earthlink.net]
Sent: Thursday, Se	ptember 14, 2006 9:32 PM
To: CESAJ-CC, Pui Subject: OOpscre	blicMail SAJ dit where credit is due
One correction to the Sorry for the error.	e message I sent earlier. I left the meeting an hour and 15 minutes after the announced meeting time.
Forwarded Mess >From: Gerri Reave >Sent: Sep 14, 2006	s <gerrireaves@earthlink.net></gerrireaves@earthlink.net>
>To: publicmail.cesa	aj-cc@saj02.usace.army.mil s meeting on Lake O releases
>I attended the mee	ting tonight in downtown Fort Myers about the proposed water-release schedule. I left one hour and announced meeting time, and still, no citizen had spoken.
>Historically, part of arrogant and uncarir >	the ACEâ€≊ s problem with Lake Ocheechobee has been the public perception that the agency is ng. Unfortunately, tonightâ€≊ s meeting only reinforced that perception.
>Despite the Corpsa appreciating that citiz sentiments.	representatives repeated phrases about "listeningâ€□ and wanting feedback, and zens had taken precious time to attend, the representativesâ€≊ actions contradicted those spoken
>Except for the spea The meeting started >	ker, Corps representatives sat with their backs to the citizens they so desperately wanted to listen to. one-half hour late. The Power-Point presentation was not designed with the audience in mind.
delay tactics, and thu	are needed to "set the stageâ€□ for public discussion. Instead, the presentation turned into us condescension. The audience is capable of understanding the pretty flow charts, but at this not have been called for. Instead, an intelligent, cogent, brief outline of the factors that shaped the required.
>Moreover, I do not a who dragged out his in fact truly unpatriotic >	appreciate the manipulative "patriotismâ€□ card played by the first speaker in combat fatigues West Point credentials. The not-so-subtle implications that to disagree with the plan is unpatriotic is c on his part.
	sent the message that the Corps does not want to listen.
>Gerri Reaves, Ph.D. >Fort Myers, FL	

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:48 AM

To:

LORSSComments, SAJ

Subject:

FW: Fort Myers meeting on Lake O releases

----Original Message----

From: Gerri Reaves [mailto:gerrireaves@earthlink.net]

Sent: Thursday, September 14, 2006 9:07 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Fort Myers meeting on Lake O releases

I attended the meeting tonight in downtown Fort Myers about the proposed water-release schedule. I left one hour and 45 minutes after the announced meeting time, and still, no citizen had spoken.

Historically, part of the ACE†s problem with Lake Ocheechobee has been the public perception that the agency is arrogant and uncaring. Unfortunately, tonight†s meeting only reinforced that perception.

Despite the Corps†representatives repeated phrases about "listeningâ€□ and wanting feedback, and appreciating that citizens had taken precious time to attend, the representatives†actions contradicted those spoken sentiments.

Except for the speaker, Corps representatives sat with their backs to the citizens they so desperately wanted to listen to. The meeting started one-half hour late. The Power-Point presentation was not designed with the audience in mind.

Only the essentials are needed to "set the stageâ€□ for public discussion. Instead, the presentation turned into delay tactics, and thus condescension. The audience is capable of understanding the pretty flow charts, but at this meeting, that should not have been called for. Instead, an intelligent, cogent, brief outline of the factors that shaped the plan was all that was required.

Moreover, I do not appreciate the manipulative "patriotismâ€□ card played by the first speaker in combat fatigues who dragged out his West Point credentials. The not-so-subtle implications that to disagree with the plan is unpatriotic is in fact truly unpatriotic on his part.

The meeting tonight sent the message that the Corps does not want to listen.

Gerri Reaves, Ph.D. Fort Myers, FL

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:48 AM

To:

LORSSComments, SAJ

Subject:

FW:

----Original Message----

From: rickbet@adelphia.net [mailto:rickbet@adelphia.net]

Sent: Thursday, September 14, 2006 6:09 PM

To: CESAJ-CC, PublicMail SAJ

Subject:

#### Dear Sir.

I understand and agree with the need to keep Lake Okeechobee's water level below 17.25', but am extremely concerned of the lack of concern for the St Lucie estuary and the damage to it resulting from discharges from Lake Okeechobee. I live on the St Lucie waterway and have to constantly deal with the poor water quality and silt buildup due to those discharges. Everyone agrees of the need to move more water South to help restore the everglades, but it doesn't seem like anyone is really doing anything to accomplish that. Why don't we hear more about establishing a "flow way" South from Lake Okeechobee. Certainly a dike type structure would allow water flow South, while protecting farm areas. This would help with the everglades restoration as well as reduce discharges that affect estuaries to the East and West of the lake.

I realize this is a complicated process and we didn't get where we are overnight. I'm sure there were many valid reasons for all the decisions and projects that put us in this position, but many of the projects currently scheduled to help relieve the damage to our estuary, only seem like "band aids" that don't really address the root problem.

Please consider the importance of our estuary is just as important as the condition of Lake Okeechobee.

Thank you for your consideration of these ideas.

Sincerely,

Richard Hoffman 2600 S Kanner Hwy U-4 Stuart, FL 34994

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:48 AM

To: LORSSComments, SAJ

Subject: FW: Fort Myers beaches and waterways - I moved here because of lung problems

From: Rosalie, GCWA Webmaster [mailto:fortmyerswriters@yahoo.com]

Sent: Thursday, September 14, 2006 5:59 PM

To: CESAJ-CC, PublicMail SAJ

Cc: Rosalie Villafrate

**Subject:** Fort Myers beaches and waterways - I moved here because of lung problems

Everyone in my office in Naples is sick. The doctor told one of my co-workers that the problem was red tide.

Even those of us who live far from the beaches and haven given up on boating or beachgoing because of the continual problems with water quality are being made sick by the effect in the air.

Although it might not be on your agenda, I also wonder whether this isn't bad for the tourist industry which funds a lot of our business and building.

Rosalie former webmaster

http://www.gulfwriters.org

Want to be your own boss? Learn how on Yahoo! Small Business.

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:47 AM

To:

LORSSComments, SAJ

Subject: FW: Imput Forum Fort Myers, FL

**From:** Hetmanek [mailto:hetmanek@hetmanek.com]

**Sent:** Thursday, September 14, 2006 5:11 PM **To:** publicmail.cesaj-cc@saj02.osace.army.mil

Subject: Imput Forum Fort Myers, FL

September 14th, 2006.

Pete Milam, Project Manager, U.S. Army Corps of Engineers, 701 San Marco Blvd., Jacksonville, FL 33207

Pete.

We feel that is essential for you to reconsider the new release schedule for the Caloosahatchee River. The City of Sanibel, Sanibel and Captiva Conservation Foundation, Ding Darling National Wildlife Refuge and PURRE have all concluded that this release schedule is BAD NEWS for our estuaries. These organizations represent national as well as local interests.

We live at 448 Glory Circle which is on a canal and across from the beach on Sanibel's east end. Recent increase in red tides, red drift algae, and other toxic content indications both in the canal and on the beach have dramatically affected our lives. We beseech you to rethink this project. Please confirm receipt of this message along with your comments by return email. We look forward to your response. Sincerely,

James and Penny Hetmanek 448 Glory Circle, Sanibel, Fl 33957

hetmanek@hetmanek.com

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:47 AM

To: LORSSComments, SAJ

Subject: FW: Lake O. Regulation Schedule Study

From: Charlene Black [mailto:charlene@zebis.com]
Sent: Thursday, September 14, 2006 8:03 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O. Regulation Schedule Study

September 14, 2006

Dear Peter Milam,

I am unable to attend a very important meeting this evening in Fort Myers, so I am writing to voice my concerns for the quality of the waters in my region. I am a 26 year resident of Sanibel Island and I am appalled by the recent degradation of our gulf and river water quality due to releases from Lake O. that do not stay within the accepted limits of your own biologists. This 1bs2-m plan must be modified before any more damage is done.

This morning I walked the beach to find dozens and dozen of freshly deposited dead eels littering the beach along with the brown sludge-like foam that has become all too familiar. When will we rise to the occasion to right a wrong before it is too late. It doesn't matter what the industrial concerns want, we have to keep our minds and hearts connected and wake up to the fact that we have only ONE EARTH. This problem is one tiny corner of it, but any sacrifice of our precious Mother is a sign of moral decay, of the death of our souls, not just the bodies of helpless marine life, not just the pocketbooks of wealthy landowners. PLEASE do everything in your power to correct this problem at it's source.

May you fully realize your strength to oppose blind self-interest, arrogance and ignorance and do the far-sighted right thing.

Kind regards, Charlene Black

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:47 AM

To:

LORSSComments, SAJ

Subject:

FW: Lake Okeechobee water releases into the Caloosahatchee River

-----Original Message-----

From: Kit Traverso [mailto:traverso1@comcast.net] Sent: Thursday, September 14, 2006 1:11 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee water releases into the Caloosahatchee River

Mr. Milam: I am writing you today to voice my concern that the Army Corp. of Engineers will continue to release excess freshwater from Lake Okeechobee into the Caloosahatchee River. This practice has been proven to damage our estuaries. I would highly reccommendthe Corp adopt instead Plan Six which would better distribute excess waters into the Everglades as nature had intended it to flow. I hope the Corp will use imagination in solving this problem which it is responsible for, rather than seek the easiest and most readily available course of action, which will ultimately harm Lee County's water and estuaries and thereby harm our natural resources and tourism based economy. Thank you for your consideration...

Kit Traverso 6718 Griffin Blvd. Fort Myers, FL 33908 Ph. 239.410.5170 Fax 239.489.1272

email: traverso1@comcast.net

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:47 AM

To: LORSSComments, SAJ Subject: FW: Lake O discharge

From: LISA AND KEVIN S KASENOW [mailto:kasenow@earthlink.net]

Sent: Thursday, September 14, 2006 1:02 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Lake O discharge

You need to listen to the people of SW Florids and your own scientists regarding this issue.

I live, work and invest in Southwest Florida.

l ask you to modify your plan 2007 - 2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee River and estuary. Your job is to protect both the dike and the estuary.

#### Please:

- · Recognize the damage already done to Southwest Florida by your previous releases
- · Prevent water releases that exceed your own biologists' recommendations
- Base decisions on current wet cycel data not outdated data
- More equitable plan for discharges in multiple directions not forcing the Caloosahatchee River to take the biggest hit.

You need to listen to the people of SW Florids and your own scientists regarding this issue.

LISA AND KEVIN S KASENOW kasenow@earthlink.net
EarthLink Revolves Around You.

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:46 AM

To:

LORSSComments, SAJ

Subject: FW: Water Releases

From: John LaGorce [mailto:sidebyside@zebis.com] Sent: Thursday, September 14, 2006 12:44 PM

To: CESAJ-CC, PublicMail SAJ Subject: Water Releases

Dear Mr. Milan,

I am writing to plead with the Army Corps of Engineers to make decisions which will stop the environmentally DISASTROUS releases of polluted fresh water into the Caloosahatchee River. Our estuary is dying; The fish kills this summer were graphic proof that recent decisions have had devastating results. Our beaches, our businesses, our real estate values and most of all our gentle, environmentally sensitive way of life is at stake. Help us-please

Deborah Welch La Gorce 1018 Dixie Beach Blvd Sanibel Island, Fl. 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:46 AM

To: LORSSComments, SAJ

Subject: FW: Water regulation schedule

**From:** jamest54@comcast.net [mailto:jamest54@comcast.net]

Sent: Thursday, September 14, 2006 12:13 PM

To: CESAJ-CC, PublicMail SAJ Subject: Water regulation schedule

I live near Sanibel Island and invest money in the area. I am writing to tell you that you have to change the schedule you are proposing for the management of Lake Okeechobee and water releases that will damage the Caloosahatchee, our estuary, and especially the "Ding" Darling National Wildlife Refuge.

The plan you are proposing will send twice as much dirty, polluted, nutriet-rich Lake Okeechobee water down the river and dump it on Sanibel Island. The beautiful water and abundant plant and wildlife are being destroyed. And I'm sure it's connected to the exacerbation of red tide in our area.

Water releases should NEVER exceed your own biologists' recommendations. Scientists all agree, yet your plan flies in the face of sound scientific data and opinions. The releases have come in far greater number and amount to the west and should be more equitably distributed along with the east and the south. We're taking the hardest hit -- and it will be much worse under the plan you propose for 2007-2010.

The dike will hold under a much more responsible management plan than the one you are now presenting. CHANGE IT.

James T. Komsa Ft. Myers resident and Sanibel lover

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:46 AM

To: LORSSComments, SAJ
Subject: FW: Lake Okeechobee TSP

From: emiliealfino@comcast.net [mailto:emiliealfino@comcast.net]

Sent: Thursday, September 14, 2006 12:05 PM

To: CESAJ-CC, PublicMail SAJ Subject: Lake Okeechobee TSP

I live in Ft. Myers and work on Sanibel Island. I own property in the area. You must modify your 2007-2010 Tentatively Selected Plan for the regulation of water releases from Lake Okeechobee -- it does not even meet your own objectives. It will destroy our estuary, and it is your job to protect the estuary as much as it is your job to maintain the integrity of Herbert Hoover Dike.

Please acknowledge the horrific damage you have done to Southwest Florida with your previous excessive water releases, and STOP releasing water in excess of even your own biologists' recommendations. Take into consideration current wet-cycle data rather that just old data that is irrelevant in 2006.

We deserve -- and it is your responsibility to provide -- a more equitable plan for discharges in multiple directions. To date, the Caloosahatchee River has taken far more than its fair share of releases. The result to our estuary is heartbreaking.

Do your job!

Emilie Alfino Massey 16881 Davis Road #425 Ft. Myers, FL 33908

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:46 AM

To:

LORSSComments, SAJ

Subject: FW:

**From:** edgwtrfmb@aol.com [mailto:edgwtrfmb@aol.com]

Sent: Thursday, September 14, 2006 11:45 AM

**To:** CESAJ-CC, PublicMail SAJ **Cc:** blissfulyoga@yahoo.com

Subject:

We are very much against releasing water, as the water is full of pesticides, fertilizers, etc.

There has to be a better way. We are saving sugar, which is killing everyone, and poisoning our environment. Where is the logic?

Ken & Sylvia Lachapelle 781 Estero Blvd. Fort Myers Beach, Fl 33931

Bill & Terri Fields 14080 Duke Highway, Alva, Fl 33920

Check out the new AOL. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:46 AM

To:

LORSSComments, SAJ

Subject:

FW: Lake Okeechobee Regulation Schedule study

----Original Message----

From: Doris DeWitt [mailto:sirodnparadise@zebis.com]

Sent: Thursday, September 14, 2006 11:34 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee Regulation Schedule study

I urge you to follow your own biologists' accepted limits for water releases from Lake Okeechobee. To do otherwise is to destroy the natural environment of the river and beaches of Sanibel and, thus, destroy the water based economy of Lee County.

People are drawn to Lee County because of the beautiful natural resources that exist, i.e. the beaches, blue/green Gulf Water, fishing and boating. Why would you want to destroy this?

I have owned a home on Sanibel since 1984 and have watched the deterioration of the beach and bay water quality over the years. What was once blue/green water is now brown water. Kayaking in Ding Darling is often over brown algae caused by water releases from Lake Okeechobee.

Walking the beach which once was a calming, peaceful activity, is now an aggravation as one reflects on the failures to manage water releases from Lake Okeechobee and the run-off from poor environmental planning.

I urge you to listen to the biologists and environmentally aware folks that live here. Limit the water releases and help return our water quality to what it was.

Doris DeWitt 641 Periwinkle Way B8 Sanibel, Florida 33957

Ray Vazquez 1441 Sand Castle Road Sanibel, Florida 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:45 AM

To: LORSSComments, SAJ

Subject: FW: Sanibel-Captiva, San Carlos Bay, Calooahatchee River Water Quality

From: Heidi Koch [mailto:heidieliz@gmail.com] Sent: Thursday, September 14, 2006 10:57 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Sanibel-Captiva, San Carlos Bay, Calooahatchee River Water Quality

As a long time resident (26 years) of Sanibel and Captiva Islands/Lee County, I am appalled at the water quality we have experienced over the past 3-5 years. I am sure it has been deteriorating longer. I no longer have the desire to go to the beach or water ski on the river for fear of what one might contract from the water. I now have a son who enjoys boating, skiing, tubing and loves the wonderful lifestyle I was blessed with living in SW Florida. Not finding it fair that he enjoy the same as his parents, I allow him in the waters, with worry and regret.

I once read an article on the sugar cane in Florida. The article specifically said that sugar cane grown in Florida is not needed as a part of the food system in the United States and further stated that the U.S. Government *paid* the growers to keep them in business! What an outrage! Yet a large part of the water quality problem in SW Florida is from the cane fields. It appears to me that the problem goes beyond the Army Corps of Engineers, however you are the ones taking the brunt of the problem and need to work with every governmet agency to resolve the problem.

Not only do we have pollution from the local run off, I cringe to think of what's affecting our water from Katrina.

I no longer have the desire to live in Florida. Not because of hurricanes, property taxes or insurance premiums but because the water is no longer safe. So why live here if we can't enjoy the main attraction? Like so many others, other parts of the country are looking good for my retirement years.

Being in the tourist industry for 26 years, it's becoming harder and harder to be honest in my job and promote the SW FL lifestyle. I know in my heart that our quality of life has deteriorated drastically.

Thank you for your time. I pray that our rivers, bays and beaches can be resorted for future generations.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:45 AM

To: LORSSComments, SAJ

Subject: FW: Lake O Water Releases

From: Judy Cook [mailto:judydonc@earthlink.net]
Sent: Thursday, September 14, 2006 10:36 AM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Lake O Water Releases

Please reconsider the continued excessive water releases down the Caloosahatchee River. It is killing our estuary. Please reenforce the dikes around Lake O and let it maintain a higher water level.

Thank you.

Judy Cook 1031 S. Yachtsman Dr Sanibel, FL 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:42 AM

To: LORSSComments, SAJ

Subject: FW: Lake Okeechobee Water Releases

**From:** Marygina Ortiz [mailto:mortiz@nycap.rr.com] **Sent:** Thursday, September 14, 2006 10:18 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake Okeechobee Water Releases

I write to you as a Sanibel homeowner and implore you to come up with a viable solution to the increased runoff from Lake Okeechobee which is damaging our beautiful island. The muck, algae and dead fish infesting our beaches is sending visitors elsewhere. The economy of the island is at risk. Please come up with a proposal that will put an end to this unsightly and environmentally damaging situation.

MaryGina Ortiz

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:42 AM

To: LORSSComments, SAJ

Subject: FW:

From: Paul Reynolds [mailto:PR@PaulReynolds.us]
Sent: Thursday, September 14, 2006 9:49 AM

To: Paul Reynolds

Subject:

What the Lake, river, and estuary advocates say at SFWMD and USACE public meetings: "There are fair solutions to fix our water systems that will benefit us all, not just the Agricultural community, please listen to us."

What SFWMD and USACE hears: "blah, blah, blah, blah, blah,"

Paul Reynolds Sanibel

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:42 AM

To:

LORSSComments, SAJ

Subject:

FW: Unacceptable "Lake Regulation Schedule" for 2007-2010

----Original Message-----

From: Gerri Reaves [mailto:gerrireaves@earthlink.net]

Sent: Thursday, September 14, 2006 9:39 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Unacceptable "Lake Regulation Schedule" for 2007-2010

The Corps "Lake Regulation Schedule" for 2007-2010 is unwise, indefensible, and unacceptable.

Southwest Florida's environment and economy can no longer stand the insult of the water releases from Lake Ocheechobee.

Restore the lake's historic flow south as near as possible.

The Corps can no longer justify destroying precious Southwest Florida ecosystems, as well as economic interests, in order to protect agricultural interests.

As scientists, you should know the wisdom of working with, not against, nature. Restore, as much as possible, the southern flow of Lake Ocheechobee.

Gerri Reaves, Ph.D.

Fort Myers, FL

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:42 AM

To: LORSSComments, SAJ

Subject: FW: Lake O

**From:** Cheryl Pacala [mailto:sumercnc@yahoo.com] **Sent:** Thursday, September 14, 2006 12:43 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O

With all due respect, it doesn't make sense to use the Saint Lucie estuary as a toilet.

Charlie Pacala Stuart

All-new Yahoo! Mail - Fire up a more powerful email and get things done faster.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:41 AM

**To:** LORSSComments, SAJ **Subject:** FW: Don't ruin our waters!

From: Bruce & Lisa Cochrane [mailto:brulis@myexcel.com]

Sent: Wednesday, September 13, 2006 9:22 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** FW: Don't ruin our waters!

U.S. Army Corps of Engineers

Attention: Mr. Pete Milam, Project Manager

We appreciate the opportunity to comment on the proposed high levels of dumping. Please hear what the locals have to say!!!

My husband and I live and work on Sanibel Island since the late 70s.

Please do not allow high-level dumping of the lake into the estuary.

Algae, scum balls and red tide will ruin the attraction of Sanibel.

We are experiencing Red Tide as we speak, and it is hard to enjoy our lovely out doors! We have noticed the recent waters that have been let out into our waters and I can not tell you when you try to enjoy our waters by boat it is unbelievable the difference that it has made!!!!

Changing the ecological balance to the detriment of Sanibel and its residents is not a fair way to balance the interests. You should not have the right, or the desire, to take what we have in order to benefit others.

Thank you for your time, Lisa Newmeyer-Cochrane & Bruce Cochrane

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:40 AM

To: LORSSComments, SAJ

Subject: FW: please don't ruin our water

From: Colleen Quenzel [mailto:colleen@quenzel.com]
Sent: Wednesday, September 13, 2006 8:06 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** please don't ruin our water

#### Dear Sir:

Our beaches of Fort Myers, Sanibel & Captiva are so beautiful, when they are not covered with dead fish and red algae.

**Please don't** ruin our waters by dumping water from the Lake Okeechobee into the Caloosahatchee beyond what biologists permit. Clear, clean water without algae is necessary to keep the local residents and the visitors, who keep the businesses open, wanting to stay and/or return again.

#### Please Do:

- 1 Keep to biologists' limits.
- 2 Manage lake at lowest level with low level ongoing multi-directional releases.
- 3 Bring on line the land owned by the District and Corps for emergency storage in event that hurricanes require excess storage—it can't be dumped into the estuary.

We love the beaches here and in fact live about 5 miles from Sanibel and 8 miles from Fort Myers Beach. Having seen and smelled the damage the run-off causes, I send this notice to request consideration of the needs of the local residents, businesses and the tourism industry.

Thank you, Colleen Quenzel

Colleen Quenzel Quenzel and Associates 15798 San Antonio Ct. Fort Myers, Fl 33908 239-226-0040 colleen@quenzel.com www.quenzel.com

We Build Marketing Momentum - Fast!

# Dr. Gopal C. Pati Professor of Management Emeritus Indiana University



October 4, 2006

Mr. Pete Milam, Project Manager U.S. Army Corps of Engineers 701 San Marco Blvd. Jacksonville, FL 32207

Dear Mr. Milan:

Twenty years ago I choose to buy property and later to live year-round in Sanibel because of the healthy estuary, the abundant fishing, the beautiful beaches, and the city's status as a sanctuary island. All that has changed and I now feel I am one of the first recipients of the horrific affects of our poor water quality: the smell, the red tide and various other algae blooms, destroyed sea grass beds, unbearable dead fish and rapidly deteriorating environment. I have written numerous letters, attended many public meetings and have heard many good ideas shared with the SWFWMD and the Army Corps of Engineers to control the harmful water discharges from Lake Okeechobee. The bottom line is that neither the Corps nor the SWFWMD are listening to the people – the taxpayers who support these institutions.

It is my view that the proposed plan (by the U.S. Army Corps of Engineers) to manage Lake Okeechobee water releases is another disaster. The plan must be changed to force water managers to keep releases within their own biologists' accepted limits. The database used is faulty in that it does not take into consideration the current trend - the conditions of the last 5 years. Previous releases have coincided with significant damage to SW Florida's coastal communities. Let us not destroy these estuaries that protect nature's bounty and that are the basis of our significant tourism economy. Furthermore, water discharges must take place in multiple directions, not just the Caloosahatchee. Do we really need a lawsuit to resolve this issue?

Sincerely,

Gopal C. 'Indy' Pati

CC: Colonel Paul Grosskrugar, Commander, U.S. Army Corps of Engineers City of Sanibel Island Reporter News-Press, Mailbag Department PURRE

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:35 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Please save our waters

From: Dian Eddy [mailto:dian@leafltd.org]
Sent: Wednesday, September 13, 2006 4:54 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Please save our waters

Don't ruin our waters with dumping beyond what biologists permit.

Clear water without algae and balls of scum is necessary to keep our business clients.

Do:

- 1 Keep to biologists' limits.
- 2 Manage lake at lowest level with low level ongoing multi-directional releases.
- 3 Bring on line the land owned by the District and Corps for emergency storage in event that hurricanes require

Best wishes,
Dian Eddy
Development Consultant
Brightest Horizons and Leaf Ltd.
472-6196

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.1.405 / Virus Database: 268.12.3/446 - Release Date: 9/12/2006

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:35 AM

To: Haberer, Yvonne L SAJ

Subject: FW:

From: Becky Thompson [mailto:bthompson@mmrs.com]

Sent: Wednesday, September 13, 2006 4:44 PM

To: CESAJ-CC, PublicMail SAJ

Subject:

We are very concerned about the proposed revisions to the Lake Okeechobee water release schedule. The plan, as proposed, may lead to more harmful releases to the Caloosahatchee River. Clean beaches and water and estuaries are so very important to the future of SW Florida that it is imperative that they be protected. It is important economically to our beautiful area that draws so many tourist. The last few years have been very hard on the local and tourist market and we encourage you not to do anything regarding the release of more water from Lake Okeechobee that would negatively impact our water and beaches.

I am concerned about these issues from a personal citizen quality of life issue but also from a business standpoint since so much of our businesses are service and tourist related. I want to ensure my granddaughters who are 5 and 1 that they will be able to enjoy the paradise that is SW Florida throughout their lifetime.

Thank you.

Becky Thompson, CSM
General Manager
The Bell Tower Shops
Madison Marquette Realty Services
13499 US 41 SE, Suite 161
Ft. Myers, FL 33907-3837
Phone 239-489-1221 Fax 239-480-3267
www.thebelitowershops.com

From: Stich

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:34 AM

To:

Haberer, Yvonne L SAJ

Subject: FW: Management of Lake Okeechobee water releases

From: Ann Cogswell [mailto:amcogs@yahoo.com] Sent: Wednesday, September 13, 2006 2:58 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Management of Lake Okeechobee water releases

Sir:

As a Southwest Florida resident I implore the U.S. Army Corps Engineers and the members of the S-W Florda Water Management District to carefully and equitably

distribute the discharges of water from Lake Okeechobee. Your own expert biologists have recommended water release levels which will lessen the negative impact on the river and the estuaries. Listen to them NOW and protect the Caloosahatchee River and the Caloosahatchee and St. Lucie Estuaries.

My understanding is that the J.N. 'Ding' Darling National Wildlife Refuge and the entire estuary system is Federally "protected".

Get your email and more, right on the new Yahoo.com

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:34 AM

To:

Haberer, Yvonne L SAJ

Subject:

FW: Lake Okeechabee Release

----Original Message----

From: Dale Siligmueller [mailto:siligmueller@sbcglobal.net]

Sent: Wednesday, September 13, 2006 2:39 PM

To: CESAJ-CC, PublicMail SAJ Subject: Lake Okeechabee Release

Dear Mr. Pete Milan - Army Corp Director

As a property owner and part time resident on Captiva Island FI I want to express my concern about the planned releases from Lake Okeechabee into the Calloosahetche River. The impact of the releases to date has had a very negative impact to the sea grasses, fishing and over all water quality in the Captiva/Sanibel area. Fresh water mixed with mud and fertilizers going into the salt water in the huge quantity that has occurred just does not work.

A solution which moves the water naturally south from the Lake must be viewed as the only long term alternative. In the short term, temporary storage and an equal distribution of water in all directions when the Lake reaches dangerous levels should be planned.

Thank You

Sincerely

Dale Siligmueller
630 Lenox Rd Glen Ellyn II 60137
806 Captiva Island Road Captiva Is Fl 33924

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:34 AM

To: Haberer, Yvonne L SAJ

Subject: FW: destruction of estuaries in SW Florida

From: Pamela Ellis [mailto:pame12@comcast.net] Sent: Wednesday, September 13, 2006 2:27 PM

To: CESAJ-CC, PublicMail SAJ

Subject: destruction of estuaries in SW Florida

Pete Milam, Project Manager US ARMY Corps of Engineers

Hello Mr. Milam,

I have been visiting SW Florida since 1967, and now make my home there. Over the last 3-5 years there has been a notable difference in the quality of water in our bird sanctuaries and the Gulf waters, due primarily to the releases of polluted water from Lake Okeechoobee. It is now so unpleasant that swimming in the Gulf or walking on the beach becomes impossible at times. It is not fair or right that one part of Florida gets saved by ruining another part of the State. Please come up with an answer immediately. I am a member of my neighborhood Board of Directors, and the letter below from our President took the words right out of my mouth. It is copied in its entirety below.

Pamela Ellis 4285 Gulf Pines Dr. Sanibel,Florida 33957

I live on Sanibel and am deeply concerned that the estuaries around us and in Pine Island Sound and in the mouth of the Calhossahatchee River are not going to survive the continued annual release of water from Lake Okeechobee. The high nitrogen levels in the released water will deplete the oxygen and cause algae growths that will lead to the elimination of the natural seagrass that is necessary to sustain the estuaries. Without the estuaries the shellfish, fish and other native creatures will be killed or they will leave the area. Estuaries that are eliminated in this manner take 20-30 years to restore naturally after the pollution is stopped. We don't want this disaster to happen. The yellow-brown color in our estuaries and even in our gulfside beaches that follows the releases is highly undesirable. The stench from the algae will increase with every release.

Why doesn't the Corp of Engineers take the lead and develop both a short-term solution and a long-term solution to this emergency situation? I am tired of hearing that there is a solution but it will take X years to implement and in the meantime the southwest Florida estuaries will be destroyed. Don't be swayed by the sugar industry lobby. They don't have any right to solve their local problem and to cause a natural disaster in our area.

Your consideration is appreciated.

Dick Sette

1027 Bird Watch Way Sanibel, FL 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:34 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Opinion on the water releases from Lake Okeechobee

From: RFSETTE@aol.com [mailto:RFSETTE@aol.com]
Sent: Wednesday, September 13, 2006 1:56 PM

To: CESAJ-CC, PublicMail SAJ

Cc: BKendrickH@aol.com; JamesCBird@aol.com; JThornton@dhrinternational.com; connerjm@peganet.net;

cooley.1@osu.edu; pame12@comcast.net; JCONNER1@swfla.rr.com **Subject:** Opinion on the water releases from Lake Okeechobee

Pete Milam, Project Manager US ARMY Corps of Engineers

Hello Mr. Milam,

I live on Sanibel and am deeply concerned that the estuaries around us and in Pine Island Sound and in the mouth of the Calhossahatchee River are not going to survive the continued annual release of water from Lake Okeechobee. The high nitrogen levels in the released water will deplete the oxygen and cause algae growths that will lead to the elimination of the natural seagrass that is necessary to sustain the estuaries. Without the estuaries the shellfish, fish and other native creatures will be killed or they will leave the area. Estuaries that are eliminated in this manner take 20-30 years to restore naturally after the pollution is stopped. We don't want this disaster to happen. The yellow-brown color in our estuaries and even in our gulfside beaches that follows the releases is highly undesirable. The stench from the algae will increase with every release.

Why doesn't the Corp of Engineers take the lead and develop both a short-term solution and a long-term solution to this emergency situation? I am tired of hearing that there is a solution but it will take X years to implement and in the meantime the southwest Florida estuaries will be destroyed. Don't be swayed by the sugar industry lobby. They don't have any right to solve their local problem and to cause a natural disaster in our area.

Your consideration is appreciated.

Dick Sette

1027 Bird Watch Way Sanibel, FL 33957

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:34 AM

To: Haberer, Yvonne L SAJ

Subject: FW: objections regarding new release schedules

From: Kathleen Campbell [mailto:kcsanibel@comcast.net]

**Sent:** Wednesday, September 13, 2006 1:45 PM

To: CESAJ-CC, PublicMail SAJ

Subject: objections regarding new release schedules

TO: Pete Milam, Project Manager US Army Corps of Engineers

I am writing to strongly object to the new release schedules, as I will be unable to attend the public input forum on September 14. I am appalled at the degradation of the water quality in SW Florida over the past handful of years. I continue to hope that surely the science behind correct water management will prevail. There are so many experts who have spent countless hours researching water quality issues and I beg you to take the time to review the facts and to properly evaluate the pros and cons of various policies. I implore you to make prudent decisions.

Kathleen Campbell
Resident and property owner in Lee County

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:33 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Lake O regulation schedule

**From:** Ndorrity1@aol.com [mailto:Ndorrity1@aol.com] **Sent:** Wednesday, September 13, 2006 1:17 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O regulation schedule

As I am unable to attend the meeting tomorrow I wanted to let you know my views on the release of water from Lake Okeechobee. Biologists have set limits on the amount of water that can be released from the lake and still maintain an environmentally safe estuary. These limits must be adhered to. The Corps protocol should keep the lake at a low level by allowing ongoing releases of smaller amounts of water. These releases should go in all directions, not just down the Caloosahatchee. It is my understanding that there is land owned by the Water Management and by the Corps where excess water could be stored. I would strongly advocate that this land is made part of the regulation plan now. Our physical, economic and esthetic welfare are in your hands. Please heed the advise of the biologists and environmentalists who have studied the issue.

Thank you.

Nancy Dorrity 617 Lake Murex Circle Sanibel, FL 33957 ndorrity1@aol.com

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:33 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Lake O and the dying estuary

**From:** ecoerler@aol.com [mailto:ecoerler@aol.com] **Sent:** Wednesday, September 13, 2006 11:53 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Lake O and the dying estuary

I manage a business on the bay side of Sanibel that offers kayak and canoe tours, guided fishing charters, and educational boat tours. We work directly in the estuary and therefore, have seen first-hand the destruction of this fragile habitat. There are two primary evidences of the affects from the poor water quality caused by the dumping of way too much polluted, nutrient-enriched freshwater from Lake O: loss of life of both plants and animals and abundance of algae mats.

Just a few years ago the fisherman would go out and report 40-50 trout caught in an average half-day excursion. Now, they are lucky if they catch 2-3. As for the seagrass, one does not need to be a scientist to see the unhealthy state it is in. Please come out and have a look.

As for the algae, there is blue-green mats throughout the mangrove estuary, including all the way back in the kayak trails. It is obvious that these mats are reducing the healthy surface area necessary for oxygen exchange and reducing the ability of fishes, invertebrates and sea grasses to live and live healthy.

#### In short, this water is destroying our estuary.

#### This is destroying our business.

Our income from kayak tours, boat tours and fishing charters has been severely reduced. People who are aware do not want to go out to experience and learn about this dying ecosystem. The word is spreading as the problem continues to get worse and the loss of business is multiplying. This is a combination of loss of business from folks still visiting, as well as many visitors choosing other destinations. This will continue unless or until the health is restored to our local waters. This will have disastrous economic effects from loss of business and the accompanied lay-offs which will be inevitable.

I realize that the solution is long-term and very complicated but the suggested temporary solution is absolutely unacceptable. The new plan calls for a lake level that will send even more water down the Caloosahatchie. This will kill the already dying ecosystem while the long-term plan is designed and implemented. This estuary will not survive if this temporary plan is set in place. Please, I urge you, to rethink and save our estuary while it can still be saved.

Sincerely,

Wendy Erler General Manager Tarpon Bay Explorers 239 472-8900 239 395-2772 fax www.tarponbayexplorers.com Check out the new AOL. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:33 AM

To:

Haberer, Yvonne L SAJ

Subject:

FW: Dumping the lake

----Original Message----

From: Steve Clark [mailto:sclark@chapman.com] Sent: Wednesday, September 13, 2006 11:48 AM

To: CESAJ-CC, PublicMail SAJ Subject: Dumping the lake

U.S. Army Corps of Engineers

Attention: Mr. Pete Milam, Project Manager

We appreciate the opportunity to comment on the proposed high levels of dumping.

My wife and I bought our dream retirement home on Sanibel last year. Please do not allow high-level dumping of the lake into the estuary. Algae, scum balls and red tide will ruin the attraction of Sanibel. Changing the ecological balance to the detriment of Sanibel and its residents is not a fair way to balance the interests. You should not have the right, or the desire, to take what we have in order to benefit others.

Thank you for your consideration.

Louise and Steve Clark, Sanibel property owners

Steven L. Clark
Chief Operating Partner
Chapman and Cutler LLP
111 West Monroe Street
Chicago, IL 60603
(312) 845-3799

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From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:33 AM

To: Haberer, Yvonne L SAJ

Subject: FW: lake O.

**From:** Javawall@aol.com [mailto:Javawall@aol.com] **Sent:** Wednesday, September 13, 2006 11:48 AM

To: CESAJ-CC, PublicMail SAJ

Subject: lake O.

We are asking the Corps NOT to raise the water discharge level from Okeechobee. You are effectively destroying San Carlos bay, Ding Darling refuge and Gulf shoreline, beaches and wildlife.
What is the corp's destructive goal?

J. Wallinga C. wallinga

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:32 AM

To:

Haberer, Yvonne L SAJ

Subject: FW: Save Sanibel's Water!

**From:** libby mcmillan [mailto:libbymcmillan@gmail.com] **Sent:** Wednesday, September 13, 2006 11:23 AM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Save Sanibel's Water!

Please do whatever you can to stop the deteriorating of water quality on beautiful Sanibel Island. It's a state treasure, and is taking a real beating, both physically and financially.

Libby Boren McMillan 8636 Southwind Bay Circle Fort Myers, FL 33908

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:32 AM

To: Haberer, Yvonne L SAJ

Subject: FW: The 2007-2010 plan to manage Lake Okeechobee

**From:** Turtlegait@aol.com [mailto:Turtlegait@aol.com] **Sent:** Wednesday, September 13, 2006 11:14 AM

To: CESAJ-CC, PublicMail SAJ

Subject: The 2007-2010 plan to manage Lake Okeechobee

Dear Sir: It is absolutely essential the the regulatory plan for Lake Okeechobee not kill our estuaries in the process. The plan must be structured to prevent water releases into the estuaries in excess of what has been determined by biologists to be safe limits. Emergency water storage on SFWMD lands should be added to the plan. Increased discharge through the canals to the south into the Everglades should be a part of the plan. Thank you, Robin Krivanek

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:32 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Water Release from Lake Okeechobee

**From:** dfmsanibelsax@comcast.net [mailto:dfmsanibelsax@comcast.net]

Sent: Wednesday, September 13, 2006 8:32 AM

To: CESAJ-CC, PublicMail SAJ

Subject: Water Release from Lake Okeechobee

I have lived and worked in Southwest Florida (Sanibel Island) for 40 years. I have invested years of tax dollars volunteer work plus my own funds both in businesses here as well as charities. I am asking you to modify your plan 2007 - 2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee and its estuary. YOUR job is to PROTECT both the lake dike AND the estuary. PLEASE: \*Recognize the damage already done to Southwest Florida by your previous releases. \*Prevent water releases that exceed your own biologist's recommendations. \*Base decisions on current wet cycle data -- NOT outdated data. \*More equitable plan for discharges in multiple directions -- not forcing the Caloosahatchee to take the biggest hit. \*In the mean time, "IT COSTS NOTHING TO STOP FLUSHING!" \*\*\* & amp; nbsp; Donald F. Modrall 729 Anchor Drive Sanibel, Fla. 33957 <a href="mailto:dfmsanibelsax@comcast.net">dfmsanibelsax@comcast.net</a> (239) \*\*\*\* (c) Donald F. Modrall, 2005.

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:32 AM

To:

Haberer, Yvonne L SAJ

Subject: FW: LORSS

**From:** Brad Harris [mailto:bharris0@bellsouth.net] **Sent:** Wednesday, September 13, 2006 6:20 AM

To: CESAJ-CC, PublicMail SAJ

**Subject:** LORSS

Allowing the lake to reach 17 feet is obscene. I would think that 9 or 10 feet would be a much better choice.

You folks need to forget about these friggin sugar farmers and concentrate on the rest of the population that pays your salary.

Not to mention that nature NEVER intended to you the lake for private irrigation like these farmer are doing.

For once, do the right thing and don't base these decisions on greed !!!

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:32 AM

To:

Haberer, Yvonne L SAJ

Subject: FW: pollution

From: Sandra Greco [mailto:sandragreco@verizon.net]

Sent: Tuesday, September 12, 2006 11:22 PM

To: CESAJ-CC, PublicMail SAJ

Subject: pollution

The 2007-2010 Lake Okkchobee Regulation Schedule must not permit releases into the estuaries that exceed biologist's limits for environmental safety. The Corps protocol must maintain the Lake at a level low by having ongoing low-level releases sent in all directions-not just down the Caloosahatchee! There is land owned by the Water Management and by the Corps where excess water can be stored in emergencies and this should be made part of the regulation plan NOW. Once our estuaries are gone, they cannot be brought back. Please do what is ethically and morally right, not just what is easiest or politically expedient.

Thank you,

Sandra Greco M.D. Sanibel Island, Fl.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:31 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Water release from Lake Okeechobee

**From:** Donna Ruhe [mailto:dlruhe@earthlink.net] **Sent:** Tuesday, September 12, 2006 6:16 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Water release from Lake Okeechobee

Pete Milam, project manager

Florida cannot afford to continue with the ACE's plan of releasing water from Lake Okeechobee into the Coloosahatchee River. The healthy ecology of West Florida's beaches, estuaries, rivers, bays, and wild life habitats is what draws people to the West Coast - the tourists who are birdrs, fishermen, sun seekers, etc. They, as well as residents, are depended upon to keep Florida's economy vital. If we spoil our waters, they will not come. Statistics show this on Sanibel Island. The sugar industry has to help with the problems of Lake Okeechobee. We cannot undo the mistakes and poor decisions of the past, but we can correct them and they need to be corrected NOW. The healthy ecology of Florida is much, much more important to Florida's future than the powerful and politically influencing sugar industry.

Donna Ruhe 778 Cardium Street Sanibel, FL 33957 239-395-2375

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:31 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Lake O water releases

From: ronmsmiley@comcast.net [mailto:ronmsmiley@comcast.net]

Sent: Tuesday, September 12, 2006 4:58 PM

To: CESAJ-CC, PublicMail SAJ Subject: Lake O water releases

Pete Milam, Project Manager
U.S. Army Corps of Engineers
701 San Marco Blvd. Jacksonville FL 32207
E-mail: publicmail.cesaj-cc@saj02.usace.army.mil

Dear Mr. Milam,

When I came to the Fort Myers area in 1979 it was pristine. Unfortunately, man has re-created what he tried to escape from, but we don't need to destroy our estuaries completely.

I urge you to stop polluting our natural resources with releases of water from Lake O. We here from politicians that we should have strong characters, be responsible for our actions, and do the right thing.

Listen to the biologits. They didn't get their degrees to not be heard. Don't dump water beyond what they say is permissable. Manage the lake at lower levels with low level ongoing multi-directionsl releases. Yes, the sugar industry must also take responsibility here. Hell, they benefit from Congressional bail outs with my hard-earned tax dollars.

Bring on-line the land owned by the District and Corps for emergency stoarage in event of hurricanes. You just can't dump into estuaries without negative consequences.

Mr.Milam, if I were visiting this area for the first time I wouldn't want to live here. Many people are moving to cleaner, more natural areas in North Carolina. They wouldn't have to move to other areas to be in clean, healhty environments if we just acted responsibly.

Sincerely,

Ron Smiley, REALTOR, ABR, CDS, GRI, 1031, Sanibel & Captiva Islands Specialist ResortQuest Real Estate 1019 Periwinkle Way Sanibel Island, FL 33957

Toll Free: 800.233.8829 Office: 239.472.1511 Fax: 239.472.1292 Cell: 239.565.1712

WEB: www.ronmsmiley.com

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:31 AM

To: Haberer, Yvonne L SAJ

Subject: FW: A plea for help forom a gulf coast resident

From: Brian Vaughn @ Island Colors [mailto:art@islandcolors.biz]

Sent: Tuesday, September 12, 2006 4:49 PM

To: CESAJ-CC, PublicMail SAJ

Subject: A plea for help forom a gulf coast resident

Dear Mr. Milam,

I realize the challenges you are facing when it comes to the water quality problems stemming from Lake Okeechobee. The more I learn about this issue the more upsetting it is to me and my family. It is almost like there is no solution at all. As residents of Sanibel we love this area so very much. We spend a lot of time around the water with our children and the negative changes in our environment have been very noticeable.

We are all depending on you all to make the right decisions about this issue. The amount of water proposed to be released down the Caloosahatchee River is more than your own biologists recommend, and that solution is not only unfair, but unsatisfactory in that the damage we are now witnessing will only continue only to get worse. We need only to look at the damage already done on the other coast.

We are begging you, please save our estuary before it is too late. Is it worth destroying one area to save another? Has this water quality issue been solved anywhere else in the United States? These were the recommendations proposed by my city, and I support them fully.

- 1) Please don't harm our environment any further by releasing more water than your own biologists recommend.
- 2) Please find a way to treat the water and filter it of the harmful phosphates, algae and sediment before it reaches Lake O, and our river. If funding is an issue, maybe I could start a drive from gulf coast residents?
- 3) Please manage the lake at lowest level possible and share the burden with multi-directional releases. A recent chart I saw said we are receiving over 40% of the water that is released in 4 different areas. Is that really fair?
- 4) Please as soon as possible make the land owned by the District and Corps for emergency storage available for use. 2 or 3 years may just be too long.
- 5) Please don't cave to the sugar industry and the political pressure. Their policies and political muscle are what caused this problem in the first place. If our environment is destroyed, then our tourism and property values will be also. Why are the sugar industry and their special interest groups allowed to dictate our fate as Florida Gulf Coast residents? Their toilet is being flushed in our back yard, and we are powerless to do anything about it.

We are depending on you to make the right decisions. My two sons are depending on you to help protect our beloved environment so they may grow up one of the most wonderful places in the United States. The Gulf Coast of Lee county.

Sincerely, Brian Vaughn Island Colors Art & Design Company www.islandcolors.biz

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:31 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Water Release from Lake Okeechobee

**From:** dfmsanibelsax@comcast.net [mailto:dfmsanibelsax@comcast.net]

Sent: Tuesday, September 12, 2006 4:27 PM

**To:** CESAJ-CC, PublicMail SAJ **Cc:** www.mysanibel.com

Subject: Water Release from Lake Okeechobee

I have lived and worked in Southwest Florida (Sanibel Island) for 40 years. I have invested years of tax dollars volunteer work plus my own funds both in businesses here as well as charities. I am asking you to modify your plan 2007 - 2010 Lake O release schedule to meet your own objectives and protect the Caloosahatchee and its estuary. YOUR job is to PROTECT both the lake dike AND the estuary. PLEASE: \*Recognize the damage already done to Southwest Florida by your previous releases. \*Prevent water releases that exceed your own biologist's recommendations. \*Base decisions on current wet cycle data -- NOT outdated data. \*More equitable plan for discharges in multiple directions -- not forcing the Caloosahatchee to take the biggest hit. \*In the mean time, "IT COSTS NOTHING TO STOP FLUSHING!" \*\*\* & nbsp; Donald F. Modrall 729 Anchor Drive Sanibel, Fla. 33957 dfmsanibelsax@comcast.net (239) 472-1163 \*\*\*\* (c) Donald F. Modrall, 2005.

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:30 AM

To: Haberer, Yvonne L SAJ

Subject: FW: Sanibel

From: Walkingsquirrel@aol.com [mailto:Walkingsquirrel@aol.com]

Sent: Tuesday, September 12, 2006 1:56 PM

To: CESAJ-CC, PublicMail SAJ

Subject: Sanibel

Dear Sirs:

I would most urgently and wholeheartedly ask you to reconsider your current proposed plan to manage Lake Okeechobee water releases. The Lake Okeechobee Regulation Schedule Study MUST be changed to force water managers to keep releases within their own biologist's accepted limits.

The waters around Sanibel are faced with continuing defoliation of seagrasses, increasing damage to our national Refuge and the surrounding estuaries and the death of many filter feeding organisms crucial to precious marine life.

As a parent of a teenager who was fortunate to grow up here on this island, I can honestly tell you that we have a group of young people here that are constantly learning about our fragile ecosystem in which we inhabit and are held responsible. The waters have changed remarkably since my son's earlier learning years and unfortunately, not for the better.

Your decisions to change your plan now <u>can and will</u> affect the thinking of future generations and their trust in the government's ability to act responsibly as well as setting an example to them of real commitment to good stewardship of our land.

Respectfully submitted, Joanne Marriott Murphy 663 Meridian Drive Sanibel, FL 33957

From:

Sticht, Nancy J SAJ

Sent:

Monday, September 25, 2006 9:30 AM

To: Subject: Haberer, Yvonne L SAJ FW: my comments

----Original Message----

From: wayne corbett [mailto:earlwaynecorbett@yahoo.com]

Sent: Tuesday, September 12, 2006 4:01 PM

To: CESAJ-CC, PublicMail SAJ Cc: ric@sanibel-captiva.org Subject: my comments

This is a plea from Sanibel.

What you have done to this island is truly horrific.

STOP your 2005-2010 favorite plan to release Lake O water into the Caloosahatchie. You have done enough damage to the west already. Spread the pain around.

Leave us to lick our wounds (if we don't get poisoned as a result) and try to save what is left of Pine Island Sound. We are surrounded by filthy, unhealthy run off, and polluted water and YOU know it. Enough already. YOUR KILLING OUR ISLAND.

Sharon Corbett 395-9434 1517 Periwinkle Way, Unit 1 Sanibel, FL 33957

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around http://mail.yahoo.com

From: Haberer, Yvonne L SAJ

Sent: Thursday, September 21, 2006 9:57 AM

To: LORSSComments, SAJ

Subject: FW: Lake Okechobee Draft EIS

From: Robbins, Erica A SAJ

**Sent:** Wednesday, September 20, 2006 3:31 PM

To: Milam, J P SAJ

Cc: Haberer, Yvonne L SAJ

Subject: FW: Lake Okechobee Draft EIS

Erica A. Robbins
Outreach Program Specialist, South Projects
U.S. Army Corps of Engineers
Corporate Communications Office, Outreach Team
1400 Centrepark Boulevard, Suite 750
West Palm Beach FL 33401-7402
P: 561-683-1577 x 32 C: 561-801-5734 F: 561-683-2418
erica.a.robbins@saj02.usace.army.mil

----Original Message----

From: Everglades Restoration [mailto:COMMONS-EVERGLADES@LISTS.SIERRACLUB.ORG] On Behalf Of

Bob\_Mooney

Sent: Wednesday, September 20, 2006 10:10 AM To: COMMONS-EVERGLADES@LISTS.SIERRACLUB.ORG

Subject: Lake Okechobee Draft EIS

Archives: http://lists.sierraclub.org/archives/commons-everglades.html

It seems that the condition of the dike is not mentioned in this EIS.

Lake Okechobee Draft EIS http://planning.saj.usace.army.mil/envdocs E L/Hendry/Lake O/DEIS.html

Lake Okeechobee is the second largest freshwater lake within the contiguous U.S.; measuring 720 square miles (576,000 acres) in area, with

150 square miles of littoral zone. The lake is shallow with a mean depth

of 9 feet, subtropical, and eutrophic. Its storage capacity of 1.05 trillion gallons makes it the center of South Florida's water supply an  ${\tt d}$ 

flood control system.

<cut>

The mean Lake Okeechobee water surface elevation is 14.5 feet above msl,

although this level varies from one side of the lake to another depending

upon wind speed and direction.

<cut>

What began in the 1930's as strictly a flood control endeavor with limited water storage as needed to supplement flood control capability, now also functioned to store even more water for both urban and agricultural use, navigation, fish and wildlife preservation, recreation, and salinity control. Historical lake stage elevations, including the maximum, mean, and minimum water surface elevations over the period of record 1931 - 1 998 is shown in Figure 1.1-1. Table 1.1-1 contains the optimum water control elevations for Lake Okeechobee and the Okeechobee Waterway structures. Water levels above or below optimum water control elevations, and outside the regulation range, can occur. Additionally, temporary deviations from the operating criteria for Lake Okeechobee may be conducted from time to time.

<cut>

The 1968 Flood Control Act authorized further raising of the surrounding levees to accommodate a proposed increase of four feet to the authorized regulation schedule. The prevailing lake regulation schedule at that time was then considered interim. During the early 1970's levee improvements were made so that the lake could safely handle the 15.5 to 17.5 foot authorized regulation schedule. In 1974 an interim schedule was put into operation to raise the schedule one-half foot to a range between 14.5 and 16.0 feet NGVD. This stayed in effect until 1978 when the schedule was raised to 15.5 to 16.5 feet NGVD. In December of 1991, the South Florida Water Management District, the Corps sponsor in managing the lake, requested that the Corps implement an interim 15.65 to 16.75 foot NGVD regulation schedule (known as "Run 25") for two years during which time a new regulation schedule would be considered. In 1994 an Environmental Assessment was prepared that recommended continued operation of Run 25 until such time as the C&SF Restudy and/or the results of the Lower E Coast Regional Water Supply Plan were known. These repeated attempts to raise the regulation schedule are largely attributed to increasing agricultural irrigation needs and the rapid urban development of the Lowe East Coast of Florida, for which Lake Okeechobee functions as a back-up water supply source.

10/4/2006

A socio-economics investigation was not conducted for this last study,

which resulted in an Environmental Assessment, completed in 1994. The schedule most favorable to the environment at that time, 22AZE, was deemed to be too damaging to the water supply functions of the lake, and

to be too damaging to the water supply functions of the lake, and therefore by inference, economically damaging.

<cut>

The EAA, located south of Lake Okeechobee within eastern Hendry and western Palm Beach counties, encompasses an area totaling approximately

718,400 acres (1,122 square miles) of highly productive agricultural land

comprised of rich organic peat or muck soils. A small portion of EAA mucklands is also found in western Martin County. Approximately 77 percent

of the EAA (553,000 acres) is in agricultural production.

<cut>

10/4/2006

Lake Okeechobee may be considered a naturally eutrophic water body that is tending to become hypereutrophic, due primarily from nutrient inputs from the Kissimmee River and the Taylor Creek basins. Water quality conditions in the upper Kissimmee River appear to be improving, primarily due to revouting of wastewater flows from the river to reuse and ground-water discharge sites. However, large quantities of nutrients are still discharged from Lake Toho to Lake Kissimmee and other downstream areas.

Water quality improves from Lake Kissimmee to near Lake Okeechobee, where the channel flows mostly through unimproved rangeland; however, pollutant loadings increase as cattle and dairies grow more numerous near the lake. Because the lake's phosphorus is internally recycled and a vast reservoir of the nutrient is stored in the lake sediments as well as wetland and canal sediments, phosphorus within the lake may not reach acceptable levels for many decades or even a century.

According to the 1996 305(b) report (FDEP, 1996) for Lake Okeechobee, the major pollution sources for the lake include runoff from ranch and dairy operations in the north where pollution has elevated phosphorus and coliform bacteria concentrations and created a continuous algal bloom. In the south, historic backpumping of runoff from row crops and sugar cane has elevated nutrient and pesticide levels. The backpumping has mostly ceased but still occurs when water in the primary canal of the EAA reaches 13 feet (flood-control levels). As a result, depending on location and seasonal rainfall or drought, the lake receives varying amounts of

nutrients, substances creating high biological oxygen demand (BOD), bacteria, and toxic materials. Other pollutants include high levels of total dissolved solids, unionized ammonia, chloride, and dissolved organic chemicals.

#### <cut>

The 1996 305(b) report (FDEP, 1996) for the EAA states that the L-8, West Palm Beach, Hillsboro, North New River, and Miami canals from Lake Okeechobee to the L4-L7 canals; which roughly define the EAA; have poor

water quality with extremely high nutrient and low dissolved oxygen levels. Other problems include pesticides, BOD, bacteria, and suspended

solids. Agricultural runoff and overflow or seepage from sugar mill retention ponds also contribute pollutants. Canals bordering the WCAs generally have very low dissolved oxygen levels typical of marsh waters.

Nutrient levels at the marsh perimeter are elevated, probably from the breakdown of organic debris as well as agricultural drainage.

Agricultural BMPs have been implemented in the EAA however, this area remains a primary source of pollutants for the WCAs. The WCAs form the remnant wetland communities for the northern section of the Everglades system. These areas have been isolated from contiguous lands by a series of levees and pump stations. Water moving south from the lake and EAA is pumped through the WCAs, thereby making these areas nutrient filters for downstream basins. The highly altered hydroperiod, resulting from the levees and pump schedules, may exacerbate water quality conditions in the WCAs, as evidence by a general degradation of quality in the areas along the canals and pump stations, as compared to conditions in the central portions of the basins. The 1996 305(b) report (FDEP, 1996) generalizes the water quality conditions in the WCAs as ranging from poor to good. The conditions for WCA-1 are rated as fair throughout the basin, with the exception of the northern area, which is shown to have poor water quality

The 1996 305(b) report classifies water quality conditions as good in the northernmost areas of WCA-2 transitioning to a fair condition throughout most of the remainder of the basin. Poor water quality conditions are shown to exist along the L-38E canal. Water quality in WCA-3A are rated as fair north of the county line, and are rated as good on the south side of the line. The ten-year trend does not show significant changes have occurred in the basin.

Water quality conditions along the St. Lucie River are rated as good in less developed areas of the basin. However, conditions are degraded in urbanized areas and along the extensive network of canals that drain this area. The worst water quality conditions in the Martin and St. Lucie County area are reported in the St. Lucie River and the canals leading from the EAA. Other major problem areas are found in Five Mile and Ten Mile creeks (in the areas near Port St. Lucie), the main channel of North Fork in Port St. Lucie, and Manatee Pocket, a small port on the St. Lucie Estuary. Although the Savannas State Preserve, a 15 mile long freshwater marsh between Ft. Pierce and Stuart, has fairly good water quality, mercury concentrations in fish tissue were high enough to warrant a no consumption advisory for Largemouth bass. As described above, the major sources of pollution in this basin are urban runoff, agriculture, rangeland runoff, boat discharge, and sewage overflows. Water quality in the south section of the Indian River Lagoon was rated as fair by a National Estuary Program technical report (Woodward-Clyde Consultants, 1994). The best water quality conditions were identified in the areas south of Ft. Pierce; the worst in Belcher Canal. The main water quality issues in this segment of the basin were urban runoff, sewage discharge, freshwater discharge, rangeland runoff, and citrus runoff.

<cut>

Although sugarcane cultivation in the EAA has come under some sharp criticism in recent years, sugarcane is recognized as the most appropriat e crop for this region. Sugarcane requires less phosphorus fertilizer than other crops grown in the EAA (Sanchez, 1990), and sugarcane has been foun d to remove 1.79 times more phosphorus than was applied as fertilizer (Coal e et al., 1993). Florida sugarcane only requires small amounts of pesticide s due to disease resistant and tolerant cultivars, and cultivation instead of herbicides for weed control. Sugarcane also tolerates greater variability in water table levels, allowing for more flexible water management strategies (Glaz, 1995).

Soil subsidence has become a potential threat to long-term crop production in the EAA. The average historic rate of subsidence of 1 inch per year has slowed to 0.56 inches per year since 1978 (Shih et al., 1997). They attributed the lower rate to several factors including higher water table s and an increased proportion of land planted to sugarcane. Surveys conducted by Shih et al. (1997) found an average of 1.62 feet to 4.36 feet

of soil remaining over 11 transects. Prevention of continued soil subsidence will depend on maintaining high ground water levels to prevent

further oxidation of the soil profile. This, in turn, will require development of more water-tolerant sugarcane varieties and/or increased

rice cultivation. This research is currently underway and showing promising results (Glaz, 1997). A strong agricultural economy in the EAA

based on profitable crop production is the best defense against conversio  ${\bf n}$  of agricultural land to urban land.

To leave the COMMONS-EVERGLADES list, send email to LISTSERV@LISTS.SIERRACLUB.ORG and, in the text of your message (not the subject line), write: SIGNOFF COMMONS-EVERGLADES

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 10:00 AM

To: LORSSComments, SAJ

Subject: FW: News-Press editorial 9.24.2006

**From:** Paul Reynolds [mailto:PR@PaulReynolds.us] **Sent:** Sunday, September 24, 2006 12:36 PM

To: mailbag@news-press.com

Subject: News-Press editorial 9.24.2006

I am stunned that Marti Daltry, the new president of the Caloosahatchee River Citizens Association/Riverwatch, thinks the answer to saving our river and estuary is more polluted water storage reservoirs.

That's similar to thinking that the best way to fix the Love Canal would have been to build another just like it. When they were turning the polluted Lake Erie around , no one thought a reasonable solution would be to create another polluted lake, and start from there. Her point is simply painful to read, and does great harm to the cause she desires to serve.

My guess is that she fell into a very transparent trap. CERP (Comprehensive Everglades Restoration Program) is a misnomer. The plan is not about restoring the Everglades, because currently the Everglades are doing just fine. The Everglades were "saved" at the cost of Lake Okeechobee, the St Lucie and Caloosahatchee Rivers, and estuary systems. There were better solutions then and there are now.

CERP has become one more giant taxpayer grant to the farm industry south of the Lake. The storage reservoirs are going to guarantee them irrigation water when the Lake is maintained at lower level, and provide the farms more free areas to pump unneeded rain water. The creation of these reservoirs have absolutely nothing to do with restoring the Everglades, nor cleaning up the Lake, rivers, and estuaries.

The only way this whole system is going to be restored is by choosing from various plans to clean the water from the Lake and watershed, and move more to the south as nature intends. These plans are being fought by the politically connected Ag Industry, who stand to lose property in fair solutions. They have found an ally, and I'm sure unwitting, in the new president of Riverwatch.

I hope as Ms. Daltry becomes more familiar with her new responsibilities, she will solicit better council than she did for this terribly destructive editorial.

Paul Reynolds

Sanibel

From: Sticht, Nancy J SAJ

Sent: Monday, September 25, 2006 9:58 AM

To: LORSSComments, SAJ Subject: FW: Water Releases

From: MCHohns@aol.com [mailto:MCHohns@aol.com]

Sent: Sunday, September 24, 2006 1:46 PM

**To:** CESAJ-CC, PublicMail SAJ **Subject:** Water Releases

# We are killing all creatures in the Caloosahatchee and creating an environmental nightmare

We must STOP releasing huge amounts of water into the Caloosahatchee and what is released must not be polluted

- \* STOP allowing any field or farm from pumping water back into the lake
- \* Cancel the use and leases of Public Land and start releasing water to that land
- \* Stop saving water to insure adequate supply for sugar
- \* Start running the lake levels to benefit the lake, rivers, and environment not sugar
- \* As soon as you can start treating the water to be released

WE DO NOT OWE SUGAR GUARENTEED WATER(nor do any other farmers get guaranteed water)AT THE EXPENSE OF EXTREME ENVIRONMENTALY DAMAGING RELEASES

From:

Haberer, Yvonne L SAJ

Sent:

Monday, September 18, 2006 1:51 PM

To:

LORSSComments, SAJ

Subject:

FW: Lake Ocheechobee Run Off

----Original Message-----From: Robbins, Erica A SAJ

Sent: Tuesday, September 05, 2006 1:46 PM

To: 'John Boynton'

Cc: Ronald Hicks; Milam, J P SAJ; Haberer, Yvonne L SAJ

Subject: RE: Lake Ocheechobee Run Off

Mr. Boynton:

I will pass your comment on to our Lake Okeechobee Regulation Schedule team- thanks for your interest! Erica

#### Erica A. Robbins

Outreach Program Specialist, South Projects U.S. Army Corps of Engineers Corporate Communications Office, Outreach Team 1400 Centrepark Boulevard, Suite 750 West Palm Beach FL 33401-7402

P: 561-683-1577 x 32 C: 561-801-5734 F: 561-683-2418 erica.a.robbins@saj02.usace.army.mil

----Original Message----

From: John Boynton [mailto:john@boyntoncompany.com]

Sent: Tuesday, September 05, 2006 12:45 PM

To: Robbins, Erica A SAJ

Cc: Ronald Hicks

Subject: Lake Ocheechobee Run Off

Dear Ms. Robbins:

I am a condominium owner in Ft. Myers. My wife and I love the area with its diverse plant life, wild life, and water resources.

We are extremely concerned about the damage being done by discharges from Lake Ochechobee.

The Caloosahatchee River, the Gulf of Mexico, and the estuaries in between are all being damaged to the detriment of fish, birds, and other wild life.

Please act to mitigate this damage for the sake of Southwest Florida residents, visitors, and the regional economy!

John W. Boynton

The Boynton Company, Inc.

John W. Boynton

john@boyntoncompany.com <mailto:john@boyntoncompany.com>

199 Sudbury Road

Concord, MA 01742

tel: 978-369-1982 fax: 978-369-7396 mobile: 978-505-5626

Want a signature like this? <a href="http://www.plaxo.com/signature">http://www.plaxo.com/signature</a>

From:

Haberer, Yvonne L SAJ

Sent:

Monday, September 18, 2006 1:51 PM

To:

LORSSComments, SAJ

Subject:

FW: Lake Okeechobee water releases

----Original Message-----From: Robbins, Erica A SAJ

Sent: Tuesday, September 05, 2006 1:51 PM

To: 'Thomas Ciulla'

Cc: Haberer, Yvonne L SAJ; Milam, J P SAJ Subject: RE: Lake Okeechobee water releases

Dr. Cuilla,

I will pass your comments on to the Lake Okeechobee Regulation Schedule Study Team- thanks for your interest! Erica

#### Erica A. Robbins

Outreach Program Specialist, South Projects U.S. Army Corps of Engineers Corporate Communications Office, Outreach Team 1400 Centrepark Boulevard, Suite 750 West Palm Beach FL 33401-7402

P: 561-683-1577 x 32 C: 561-801-5734 F: 561-683-2418 erica.a.robbins@saj02.usace.army.mil

----Original Message-----

From: Thomas Ciulla [mailto:thomasciulla@yahoo.com]

Sent: Monday, September 04, 2006 8:13 AM

To: Robbins, Erica A SAJ

Subject: Lake Okeechobee water releases

Dear Ms. Robbins,

I am writing about the Army Corps of Engineers possible plan to revise the way in which Lake Okeechobee water releases are managed for the next 3 years. The current proposed plan focuses solely on the health of Lake Okeechobee, virtually ignoring negative impacts to the Caloosahatchee River, area estuaries and the SW Florida gulf.

This currently proposed plan will further damage the estuaries, causing continued episodes of algae overgrowth with profound repercussions to the entire ecosystem.

A plan must be adopted that better protect estuaries, includes the health of estuaries in day-to-day management decisions, an more equitably plans for discharges in multiple directions-not just targeting the Caloosahatchee River

As a SW Florida home owner, I strongly urge you and your committee to adopt such measures in your plan.

Sincerely,

Thomas A. Ciulla, M.D. http://www.indianaretina.com http://www.ciulla.eyemd.org Retina Service, Midwest Eye Institute

Methodist Medical Plaza North 201 Pennsylvania Parkway Indianapolis, IN 46280 Telephone 317 817 1822 Fascimile 317 817 1898

From: Haberer, Yvonne L SAJ

Sent: Monday, September 18, 2006 1:50 PM

To: LORSSComments, SAJ

Subject: FW: Lake Okeechobee water releases

From: Robbins, Erica A SAJ

Sent: Tuesday, September 05, 2006 1:55 PM

To: 'Scott Mcgee'

Cc: Haberer, Yvonne L SAJ; Milam, J P SAJ Subject: RE: Lake Okeechobee water releases

Mr. McGee.

Thank you for your comments- I will pass them on to the Lake Okeechobee Regulation Schedule Team- we appreciate your interest! Erica

Erica A. Robbins
Outreach Program Specialist, South Projects
U.S. Army Corps of Engineers
Corporate Communications Office, Outreach Team
1400 Centrepark Boulevard, Suite 750
West Palm Beach FL 33401-7402
P: 561-683-1577 x 32 C: 561-801-5734 F: 561-683-2418
erica.a.robbins@saj02.usace.army.mil

From: Scott Mcgee [mailto:Smcgee@hcsmlaw.com]

Sent: Monday, September 04, 2006 9:15 AM

**To:** Robbins, Erica A SAJ; cberger@sfwmd.gov; P.L.Grosskruger@saj02.usace.army.mil; jeb.bush@myflorida.com; Milam, J P SAJ

Cc: Ronald Hicks; Dr. Merwin Zitomer; Margaret & Steven Williams; Bill Williams; Branford Shinkle, IV; Betty & Bill Shaw; Mr. & Mrs. Michael Schwander; Dr. Steven Reinsdoef; Mr. and Mrs. Mark Reinhardt; Jean Reigle; Rosemary Pariseault; Mr. & Mrs. Lawrence M. Jarvis; Mr. & Mrs. James L. Turner; Scott Mcgee; Chris and Lucien Layne; Bernard S. Kubale; jthomascook; Mr. and Mrs. Tom A. Smith Jr.; Ronald Hicks; Harry Hicks; Mrs. Barbara Hibbard; George Cuthbert; BANK ONE TRUST COMPANY; Gary Cavazzi; Dominick Carillo; Mary Ann Boynton; John W. Boynton; Virginia Bowen; Michael Berg; Sheryl Ciulla Subject: Lake Okeechobee water releases

Dear Governor Bush, Ms. Wehle and Ms. Robbins and Messrs. Grosskruger and Milam:

My wife and I own a part-time residence on Sanibel Island and my parents live year-round in near-by Fort Myers. We are writing to request that the planning for further water releases from Lake Okeechobee take into account the impacts of the releases on the Caloosahatchee River, affected estuaries and the Gulf of Mexico. Avoiding or minimizing the impacts of these water releases on surrounding lands and ecosystems and on neighboring communities and properties should be a goal of any plan for future releases.

The plan now under consideration would, if adopted, cause further damage to estuaries leading to continued overgrowths of algae and resultant degradation of downstream water resources, Gulf habitat and surrounding lands. Protecting the health of downstream ecosystems and the people affected by releases from Lake Okeechobee must be a priority equal to protecting the health of the lake itself.

Please ensure that any plan adopted for future releases from Lake Okeechobee will take into account the impacts of such releases on the receiving waterways and that the health of the receiving ecosystems will be protected with the same vigor as the health of Lake Okeechobee. Both affect vital resources and people.

Sincerely,

#### Scott McGee

Scott and Cathy McGee Sandpiper Beach Condominium, Unit 203 1919 Olde Middle Gulf Drive Sanibel, Florida

From: Dc1sanibel@aol.com

Sent: Friday, September 15, 2006 10:18 AM

To: CESAJ-CC, PublicMail SAJ

Cc: LORSSComments, SAJ

Subject: lake okeechobee management schedule

I am extremely concerned that the proposed TSP will result in even greater degradation of our already fragile estuary because it calls for more days of extreme releases [ greater than 4600cfs ]. We have already lost the majority of our seagrasses [which is critical for the survival of juvenile fish ] and simply cannot afford more of the same/ continued large releases of nutrient laden water. Our quality of life and our economic wellbeing as an area highly dependent on nature, beaches and tourism are at great risk!

Please seriously consider not allowing releases to the Caloosahatchee in excess of biologists' recommendations. Also, we need a continuous base flow and lake discharges need to go in multiple directions including restoring the previous maximun to the St Lucie River. Additionally, if Lake Okeechobee were maintained at a lower water level year round, it could accommadate more inflow during the wet season resulting in less need for these massive releases. I was also dissappointed to see there is no paan to clean or filter any of this pollted water.

Thank you for taking the time to read my concerns.

Dan Cohn

From:

Andy Rice [andy@clpools.com]

Sent:

Saturday, August 19, 2006 12:36 PM LORSSComments, SAJ

i was reading the article about the the plans to lower the lake level in the palm beach post.how do they plan to do that,by releasing water to the rivers & having more fish with lesions & dying, destroying the eco system in the rivers & inlets.the army corps.of engineers needs to stop playing with mother nature in south fla. they have messed up the entire area with their policeys,from the kissimmee river to lake okeechobee & the everglades.you need to rip that dike down & let there be a natural shore line so the wading birds & all the original habitat can be restored.people need to learn how to live in the natural environment instead of destroying it.if you want to live on the shores of the lake build your house on stilts.i hope that with all of the tax payers dollars & the lessons that are in front of your face with the way you've tried to alter south fla from the river to the lake to the everglades that you realize all your doing is destroying the natural habitat of florida & if you continue on the path that you are all your going to do is damage it even worse than you have in the last 50 years.i pray that one day common sense will overcome politics for the sake of the earth

From: Ralphlkwrth@aol.com

**Sent:** Saturday, August 19, 2006 12:16 PM

To: LORSSComments, SAJ

Subject: NEW LAKE OKEECHOBEE STUDY

#### Okeechobee Lake Study Group.

Have the people in charge of this project ever considered doing something smart for a change? How could it be possible that they never realized they were wasting tax dollars on this latest attempt to "FIX" the leaking problem. Should we be surprised at the govs. stupidity?

HAS ANYONE EVER CONSIDERED BUILDING A SEAWALL INSIDE THE DIKE? I can't help but believe it could be a permanent fix. Isn't it your intent to reduce the lower pressure, to stop the rush of water thru a breach in the dike that would of course only worsen untill it is out of control? Is their not availabel meterials that would last ???????? and be so easily to maintain ????????. Come on people, get smart!. The safety of our citizens "HAVE" to come first. Not only will the people feel safer but we would not have to worry about our

Ralph Browning

**From:** pagsurveyorsinc [pagsurveyorsinc@bellsouth.net]

Sent: Saturday, August 19, 2006 10:23 AM

To: LORSSComments, SAJ

Subject: Lake Okeechobee water levels

I believe the target lake level during the months August through October should be no more than elevation 13.00 above sea level.

Maintaining this elevation, a levee failure due to a storm surge will cause less damage.

#### Pedro A. Gonzalez

My e-mail address is pagsurveyorsinc@bellsouth.net

#### **David Schaffer**

KECEIVED

From:

"David Schaffer" <davidschaffer1@comcast.net>

To:

"River Watch" <crea.caloosahathcee.org>

Sent:

Friday, September 29, 2006 7:58 PM

Subject:

incorrect e-mail address

Editor of the FLOW:

I tried to e-mail the following letter to the USACE, it was rejected, as an incorrect address, please forward.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

Attn: Peter Milam, Project Manager

My wife and I are residence of 5018 Harbortown Lane, Fort Myers, FL 33919.

We have the privilege and enjoyment of having our home on the banks of the Caloosahatchee River.

More recently upon our return from a vacation the Summer of 2005, we were unaware at first, to the absents of sea birds. An other issue that came to my attention was, the freshly painted bottom of our small boat had a significant amount of marine growth attached to it.

Our marina manager informed me that many other vessels in the marina were experiencing the same problem. When the manager brought this to the attention of the paint manufacturer, a representative of the company drew samples of the river water and found the salinity of the river was extremely low. ergo the antifouling properties the paint formula, did not work. Nature constructed the Caloosahatchee as an esturary and now, it is turning into a polluted river.

It was not till mid December of 2005, that the salinity of the water rose sufficiently to support the fin fish habitat, then the sea birds returned.

Let us all work to preserve our natural gifts, lets not kill the Goose that lays the Golden Egg.

Respectfully.

David & Joyce Schaffer 5018 Harbortown Lane Fort Myers, FL 33919

## **Email Form Letter**

Ms. Yvonne L. Haberer Corps of Engineers Planning Division Environmental Branch P.O. Box 4970 Jacksonville, FL 32232

Dear Ms. Haberer:

RE: Please Rethink the Tentatively Selected Plan for Lake Okeechobee Releases

I am writing to urge the U.S. Army Corps of Engineers, Jacksonville District to rethink the Tentatively Selected Plan (TSP) that would lower the maximum level of Lake Okeechobee by more than one foot.

I am deeply concerned that this proposal would release even larger amounts of harmful, toxic discharges from the lake into the Caloosahatchee River, causing harm to local residents, wildlife and river health.

Currently, the Corps releases a combination of sediment and fertilizers from Lake Okeechobee into the river at a rate of up to 69,500 gallons per second. This practice leads to algal blooms that deplete dissolved oxygen, block sunlight, clog boat intakes, and produce fish-killing toxins. These toxins have also been proven to irritate human skin, cause nausea and vomiting, and impair liver function.

The Caloosahatchee regularly gets inundated by a so-called "chocolate soup" of toxins from the lake that are believed to be the cause of periodic outbreaks of Red Tide, blue-green algae and other neverbefore-seen species of algae that have turned the Caloosahatchee a kaleidoscope of colors and decimated river wildlife.

The Corps' new plan would increase the number of harmful large releases, dumping even more polluted water into the Caloosahatchee River.

The Agency's own study overlooked the plan's economic and human health impacts, as well as the effects of the releases on the region's five National Wildlife Refuges, state buffer preserves, and "Outstanding Florida Waters."

The Florida Fish and Wildlife Commission found Red Tide in the Caloosahatchee River estuary already at concentrations several hundred times above levels necessary to kill fish, and thousands of times higher than levels known to cause respiratory illness in riverside residents.

The beaches of Southwest Florida are littered with dead fish and decaying algae, and beachgoers who come in contact with the water may become sick.

We desperately need to come up with a better solution for protecting both public health and the environmental integrity of the region.

For the sake of the Caloosahatchee, and the communities that depend upon it, I urgently ask the Corps to drop its harmful plan.

Instead, the Agency should work to dramatically reduce the devastating impacts to the river by storing water for water supply and irrigation outside the lake and by managing the Lake Okeechobee at permanently lower levels that mimic natural conditions.

If this path is not chosen, the new maximum water level (17.25') should be converted to a performance standard, which would allow for more flexibility in the release schedule based on water, weather and biological conditions.

The Corps' draft plan lowers the maximum level of Lake Okeechobee by more than one foot, requiring that more polluted water be dumped into the Caloosahatchee on a regular basis.

The agency's plan threatens the lifeblood of Southwest Florida.

The Caloosahatchee contributes more than \$2 billion annually to tourism through recreational use and cultural events.

It provides drinking water for 40,000 residents in Lee County and irrigation for citrus and sugar crops on Florida's west coast.

The river basin also comprises part of the Great Calusa Blueway, a celebrated water trail home to dolphins, manatees and more than 300 species of birds.

Please reject the Tentatively Selected Plan and devise a new a plan that reduces, not increases, pollution in the Caloosahatchee River.

Thank you for your help in this urgent matter.

Respectfully,

Jan Maryer

J. Capozzelli

2

315 West 90th Street

New York, NY 10024

! D g From	Subject	Received Size
Date: Yesterday		Size Size
Sticht, Nancy J SAJ	FW: Sanibel's most precious asset	Mon 10/16/2006 11:4 5 KB
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☐ Sticht, Nancy J SA	Water Outside Regulation and SW Florida Water Outside	Mon 10/16/2006 1 28 KB
☐ Sticht, Nancy J SA	- 100 Water Quality in SW Florida - LORSS - Sanibel Island, Florida	Mon 10/16/2006 1 10 KB
Sticht, Nancy J SAI	FW: Concerns About Water Quality (LORSS)	
→ Sticht, Nancy J SAJ	FW: Lake Okeechobee Regulation Schedule Study (LORSS)	Mon 10/16/2006 1 8 KB
, * martha musgrove	LORSSC comments from Martha Musgrove	Mon 10/16/2006 1 10 KB
	FW: Lake Okeechobee	Mon 10/16/2006 11:3 73 KB
🗻 - Appelbaum, Stuart J S		Mon 10/16/2006 1 8 KB
☐ Csprann@aol.com	Sanibel's most precious asset	Mon 10/16/2006 10:2 647 KB
→ Jprann750@aol.com		Mon 10/16/2006 1 5 KB
Prince Musa Bolkiah.	Reply only if you can handle this,	Mon 10/16/2006 9: 5 KB
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☐ TerryAnn Towers	Retillik the Tentatively Selected Plan for Lake Okeechobee R. Fri 10/13/2006 2:0 5:45
☐ Diane Rooney	Recently the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 2:0
☐ Dan Favre	Accuming the rentatively Selected Plan for Lake Okeechobee R Fri 10/13/2005 2:0 5 15
	Reculific the relitatively Selected Plan for Lake Okeechohee R Fri 10/13/2006 2-0
Rajni Oberoi	Recurring the Pentativery Selected Plan for Lake Okeechobee R. Fri 10/13/2006 2:0 Free
Robert Bisson	the Telitatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 2-0 Fri
Deloa Parrish	Recuiring the Peritatively Selected Plan for Lake Okeechobee R. Fri 10/13/2006 2:0
☐ Karen Rubino	Additional transfer of the Control o
Donald Munn	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 2:0 5 KB
Jarian Westfall	The remainded remainder the remainder of
autumn parker	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 1:3 5 KB
Evalyn Segal	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 1:3 5 KB
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→ Paul Lima	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 1:3 5 KB
Joseph Burns	Lake Okeechobee Regulation and SW Florida Water Quality Fri 10/13/2006 1:3 5 KB Water Quality in SW Florida 10705
Joseph Burns	
Jeremy Sohn	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 1:1 19 KB
	Rethink the Tentatively Selected Plan for Lake Okeschalas B Fri 10/13/2006 1:0 5 KB
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Anne Lewis	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
Ken Visger	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
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Joe Faris	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
Joseph Burns	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB  Concerns about water quality - LORSS  Fri 10/13/2006 12: 5 KB
Taylor Marshall	Fri 10/12/2006 12: 0 17
Joseph Burns	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
Kelle Peeplez	- Tanco Orectrobee Regulation Schedule Study (LORSS) Fri 10/13/2006 12: 14:15
Taylor St.Clair	Red link the Tentatively Selected Plan for Lake Okeechobee R. Fri 10/13/2006 12: 7 //2
O'Dell, Kim	the rentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
Barbara Lynch	5. Who does do the first series for the first serie
Kathleen O'Donnell	Retrink the rentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 44. Turn
	Recall the Terretatively Selected Plan for Lake Okeechobee R. Fri 10/13/2006 14.
Marion Tidwell	The relicatively Selected Plan for Lake Okeechohee P Fri 10/12/2005 44
Elizabeth Doyle	Treatment the rentatively Selected Plan for Lake Okeechobee P. Fri 10/13/2006 44
Alison Zyla	the refrestively selected Plan for Lake Okeechobee R Fri 10/13/2006 11. FVD
	5 KR
Milligan, Lauren  Diane Mitchell	FW: Lake Okeechobee Regulation Schedule (#2709C)  Fri 10/13/2006 11: 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 11: 5 KB

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		Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 11: 5 KB
	Donald Cox	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 10: 5 KB
	Karen Anderson	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 10: 5 KB
	Kasey Crist	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 10: 5 KB
	Steve Kaub	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 10: 5 KB
	Deirdre MacAlpine	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 10: 5 KB  Please Reject the TSR for Lake Okeechobee R Fri 10/13/2006 10: 5 KB
	Debbie Giniewicz	
	SANIBEL2U@aol.co	Om Lake Okeechohee
	Mari Devlin	Rethink the Tentatively Selected Plan for Lake Cl
	David Bryson	Rethink the Tentatively Selected Plan for Lake Okeechobee Releases Fri 10/13/2006 9:34 AM 5 KB
الـ	Patricia Coffey	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 9:3 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 9:3 5 KB
	Sticht, Nancy J SAJ	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 9:3 5 KB  FW: Please Limit Lake Okeechobee Richard Plan for Lake Okeechobee R Fri 10/13/2006 9:3 5 KB
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	Sticht, Nancy J SAJ	Fri 10/13/2006 9:0 E VP
	Harrison HILBERT	Eri 10/12/2006 0.0
	Matt Dunlop	Recuiring the rentatively Selected Plan for Lake Okeechobee P. Fri 10/13/2006 0.0
<u> </u>	Neil Boccanfuso	The second representatively selected Plan for Lake Okeechobee R Fri 10/13/2006 0.8
	Kip Marlow	Attended Plan for Lake Okeechobee P. 5-10/43/2004 0.5
	Joseph Moye'	Transport the rentatively Selected Plan for Lake Okeechobee R Fri 10/13/2005 0.4
	Lou Sutton	the remarkery Selected Plan for Lake Okeechohee P Fri 10/13/2005 0.4
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		the Tellicativery Selected Plan for Lake Okeechobee R., Fri 10/13/2006 7:3
	Appelbaum, Stuart J SA.  Dean Mailar	**** Was bella for take okeechobee- Comments by St. L.R.L.D.F
	Emilia Hernando	Reculify the rematively Selected Plan for Lake Okeechobee P. F-i 10/13/2006 c. a.
	Vicky Wilson	Territarively Selected Plan for Lake Okeechobee P Fri 10/13/2005 5 P
		Territarively Selected Plan for Lake Okeechohee P Fri 10/12/2006 Co.
	Matthew Coplan	Tentatively Selected Plan for Lake Okeechohee P. Fri 10/13/3006 F. a
	Deanie Williams-West	The rentatively Selected Plan for Lake Okeechohee P. Fri 10 (13 (2006 F. a
	Donald Studebaker	The statistical plan for Lake Okeechobee R. Fri 10/13/2006 4-0
	loseph LaManna	the Tellatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 2-2
	leanne-Marie Peterso	the Tentatively Selected Plan for Lake Okeechobee P Fri 10/12/2005 9 9
	leather Pennington	the rentatively selected Plan for Lake Okeechobee P. Fri 10/13/2005 p
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	ARYLOU LATINI	The remainder of the re
	oretta Rodack	the Territarively Selected Plan for Lake Okeechobee P Fri 10/13/2006 4 5
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		Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
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<u>: L</u>	g From	Subject Received Size
=	Jeffery Garcia	Don't lower the maximum level of Lake Okeechobee by more Fri 10/13/2005 12: 4 KB
_	Harrison Grathwol	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
	Nancy Gathing	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
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	Sylvia Barnard	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
	Max Kaehn	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
	AUDREY LEVI	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
	Barbara Jones	Rethink the Tentatively Selected Plan for Lake Okeseheles R. Fri 10/13/2006 12: 5 KB
	Rhonda Lawford	Rethink the Tentatively Selected Plan for Lake Okeechobee R Fri 10/13/2006 12: 5 KB
	Adam Savett	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
	Julie McKee	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 4 KB
	Linda Burianek	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
	Steven Nelson	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
	Marjorie Barton	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
<u> </u>	Sarah Jane Hall	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
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	Laura Stone	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
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	Peggy Seo	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 4 KB
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	Lisa Mears	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
	Kenneth Bowman	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
	Jim Norton	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
<u> </u>	Russell Blalack	Ketnink the Tentatively Selected Plan for Lake Okeachabas B. Thursday and Action Co.
	Janet Kuciejczyk	Rethink the Tentatively Selected Plan for Lake Okascholog B. Thursto (42 120 5
	TODD WILSON	Retnink the Tentatively Selected Plan for Lake Okeechoboo B. Thu 40 (42 (2004)
	Jean Lewandowski	Ketnink the Tentatively Selected Plan for Lake Okeachabas B. Thursday 1999
	Martha Clark	Ketnink the Tentatively Selected Plan for Lake Okasehobas B The Additional Selected Plan for Charles B The Additional Selected Plan for Charles B T
	Barry Kesselman	Ketnink the Tentatively Selected Plan for Lake Okoophahaa B
	Nancy Emblom	Ketnink the Tentatively Selected Plan for Lake Okooshahaa D
	Dennis Davie	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 1 5 KB
	Bruce Reed	RETRINK the Tentatively Selected Plan for Lake Okeeshaboo B. Thu 40 (42 (200)
J	James Durocher	Rethink the Tentatively Selected Plan for Lake Okeachebea B. Thu 10/12/2006 1 5 KB
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-	Cindy Kendrick	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 9: 5 KB  Lake Okeechobee Releases - TSP comments  Thu 10/12/2006 9: 4 KB
	Axel Ringe	
-	Amy Grady	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 9: 5 KB
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	Melba Ridgway	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 9: 5 VP
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	Saskia Santos	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 9: 5 KB
	Susan Buetow	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 9. EVP
	amie Risedorph	Retrink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 9: 5 KR
-	nerle neidell	Lake Okeechobee choked by army corps of engineers help  Thu 10/12/2006 9: 5 KB

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Ellen Dewkett	Please don't destroy the Caloosahatchee River Thu 10/13/2006 O. Thu 10/13/2000 O. Thu 10/13/2000 O. Thu 10/13/2000 O. Thu 10/13/2000 O. Thu 10/13/2000 O. Thu 10/13/2000 O. Thu 10/13/2000 O. Thu 10/13/2000 O. Th
Tawnya Shields	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 8: 5 KB
Sandra Vosseller	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 8: 5 KB
patricia Ashton	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 8: 5 KB
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→ Joseph Azzarello	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 8: 5 KB
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→ Brian & Rita Coher	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 8: 5 KB
☐ Gabriela Seoane	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 8: 5 KB
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☐ Ellie Hsleh	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 7: 4 KB
☐ LINDA HUBBLE	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 7: 5 KB
→ Malcolm Blue	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 7: 5 KB
dee white	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 7: 5 KB
→ adrian stubblefield	Reduink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 7: 5 /0
Emily Dale	Returns the Tentatively Selected Plan for Lake Okeechobee R. Thu 10/12/2006 7: 51/5
☐ Mary Ann Cramer	Retnink the Tentatively Selected Plan for Lake Okeechobee R. Thu 10/12/2006 7. EVE
Robert Schultz	Red link the Tentatively Selected Plan for Lake Okeechobee R. Thu 10/13/2006 7. 5 1/2
☐ John G. Hartwell	Reduink the Tentatively Selected Plan for Lake Okeechobee R. Thu 10/13/2006 7. The
	Reduite the rentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 6: 5 P.M.
	Retillik the rentatively Selected Plan for Lake Okeechobee R Thu 10/13/2006 6: 5 15
Laura Napoleon	Rednink the Tentatively Selected Plan for Lake Okeechobee R. Thu 10/12/2006 64 5 15 10
linda stat	Recuiring the rendervely Selected Plan for Lake Okeachahaa B. Thursday and the contract of the
Catherine Gauthier-	Thu 10/12/2006 Co. Tue
	Rectific the rentatively Selected Plan for Lake Okeechobee R. Thu 10/13/2006 c. Turn
☐ Gaile Carr	Reduite the rentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 6 5 kg
Natalie Grigsby	Results the Terratively Selected Plan for Lake Okeechobee R Thu 10/12/2006 St. F.V.
Stewart Rosenkrant	Rednink the Tentatively Selected Plan for Lake Okeechobee R. Thu 10/12/2006 6. The
→ Bruce Macfarlane	Retains the Tentativery Selected Plan for Lake Okeechobee R. Thu 10/12/2005 6. P. 100
cw	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 4 KB
→ Virginia Melick  — Property State    — Virginia Melick  — Property State    — Virginia Melick  — Virg	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 5 KB
Ernie Steck	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 4 KB
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☐ Wilma Katz	
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Charles Belmont	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 5 KB
Linda Cox	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 5 KB
sam zappala	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 5: 5 KB
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Peggy Fugate	Red link the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 4: 5 kg
c d allen	Recuired the rentatively selected Plan for Lake Okeechobee R. Thu 10/12/2006 4. E. K.
Jordan Weiner	Returns the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 4. FVD
Richard Seeley	Thu 10/12/2006 4. Fun
ae white	Rednink the rentatively Selected Plan for Lake Okeechobee R. Thu 10/12/2006 4: 4 July 10/12/2000 4: 4 July 10/12/2
·	Retrink the relicatively Selected Plan for Lake Okeechobee R. Thu 10/12/2006 4. Aug.
William Bruce	the rentatively selected Plan for Lake Okeechobee R. Thu 10/12/2006 44 FVP
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Dean Cobb	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB

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	Janelle Olvey	Received Size  Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Catherine Houle	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
لــ	Joe Reiner	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Angie Mackey	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Karen Linarez	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Melissa Taylor	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Pamela St. John	Rethink the Tentatively Selected Plan for Lake Okeashabas R. Thu 10/12/2006 3: 5 KB
٦	Linda Newberger	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB  Rethink the Tentatively Selected Plan for Lake Okeechobee R
لــــــــــــــــــــــــــــــــــــــ	Jean Morian	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
اــــــــــــــــــــــــــــــــــــــ	Mary Hickok	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB  Please don Lake Okeechobee Releases  Thu 10/12/2006 3: 4 KB
J	john clark	
	Shaun Woodson	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Dianne Miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Carol Murray	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
3	Kimberly Peterson	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
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	Louis Harris	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 5 KB
	Amy Craig	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 3: 4 KB
<del>_</del> _	James Lynch	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 4 KB
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	ohn Fischer	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 5 KR
	nichael kwiatkowski	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 5 KB
	erry Sewell	Retnink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 5 KB
	arbara Busse	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 5 KB
	alerie Carey	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 6 KB
Pa	atricia Chang	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 5 KB
	arbara Tonsberg	Rethink the Tentatively Selected Plan for Lake Okeechobee R Thu 10/12/2006 2: 5 KB

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! 0	g From	Subject	Received T	Size
	Kermit Cuff Jr.	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	John I. Blair	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Lisa Mariotti	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Connie Curnow	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Clara Blair	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Stephen Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Todd Somodevilla	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	f miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Bill McPherson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Anthony Lorenzo	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Laura Stembridge	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Marcus Jung	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Summer Kozisek	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Angela Ross	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Jim Freeberg	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Chris Hall	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Richard Seaman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Lesley Hunt	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Thu 10/12/2006 1:	5 KB
	E. George Strasser	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
اــا	Marlene Kochert	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Laura Huddlestone	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Shelley Ellis	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
لـ	Amy Sabbadini	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
اـ	Florence Sullivan	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Jeannie Kelly	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
لــــ	Christian Minaya	Rethink the Tentatively Selected Plan for Lake Okeechobee R 1		
لـ	Kathy Kuyper	Rethink the Tentatively Selected Plan for Lake Okeechobee R 1		
لـ ا	Dinda Evans	Rethink the Tentatively Selected Plan for Lake Okeechobee R 1		
	Karen Larsen	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		
	Lisa Copeland	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		
١	Helen Kopp	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		
	Carol Yost	Drop that Tentatively Selected Plan for Lake Okeechobee Rel T	hu 10/12/2006 1 5	KB
	Mark Hayduke Grenard	Rethink the Tentatively Selected Plan for Lake Okeechobee R T	hu 10/12/2006 1 5	KB
_1	pete zulli	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		KB
	Lyn Henri	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		KB
الـــ	Mary Lou Morrison	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		КВ
	Geof Garth	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		KB
الـــ	Jason Koval	Rethink the Tentatively Selected Plan for Lake Okeechobee R T		KB
	Linda Potts	Rethink the Tentatively Selected Plan for Lake Okeechobee R TI	nu 10/12/2006 1 5	KB
	julia phillips	Rethink the Tentatively Selected Plan for Lake Okeechobee R The		КВ
	frank Nemick	Rethink the Tentatively Selected Plan for Lake Okeechobee R The		KB
	James H Jorgensen	Rethink the Tentatively Selected Plan for Lake Okeechobee R The		KB
	Ian Shelley	Rethink the Tentatively Selected Plan for Lake Okeechobee R The		КВ
	Thomas Brady	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th		KB
	Art Zernis	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th	u 10/12/2006 1 5	KB
	Barbara Green	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th		KB
	Joseph DeBin	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th		
	Lanie Costeas	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th	u 10/12/2006 1 5	KB
	Teresa Wong	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th		
	Randy Mulvaney	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th		
	Ivan R. Vail	Rethink the Tentatively Selected Plan for Lake Okeechobee R Th		
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	Henry Bennett	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Thu 10/12/2006 1	5 KB	
_	Hilda Foley	Rethink the Tentatively Selected Plan for Lake Okeechobee R	hu 10/12/2006 1	5 KB	
	Pamela M. Unger, LPC	CC Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Ellen Rosher	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Ved 10/11/2006 1	5 KB	
	Gordon James	Dothink the Dies for Late Other transfer	Ved 10/11/2006 1		
	Richard Sanders	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	5 KB	
<u> </u>	Carla Hammar	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	5 KB	_
	Paul Martinez	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	5 KB	<b></b>
	David Kemmerer	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	5 KB	
	Richard Spotts	Please Rethink the Tentatively Selected Plan for Lake Okeech V	Ved 10/11/2006 1	5 KB	
	Julie Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	/ed 10/11/2006 1	5 KB	
<u>_</u>	Jane Boren	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	/ed 10/11/2006 1	5 KB	
	Kristina Hennessey	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	/ed 10/11/2006 1	5 KB	
	Carlos Rymer	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	led 10/11/2006 1	5 KB	
l	Donald Garlit	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	led 10/11/2006 1	5 KB	
	James Roberts	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	led 10/11/2006 1	J KB	
	Camly Slawson	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	led 10/11/2006 1	FVD	
	Sharon Morris	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	3 KB	
	Jackie Miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	4 KB	
	Marylyn Rands	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	5 KB	
	David Dunkleberger	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	5 KB	
	Christopher Galton	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	5 KB	
	Dan Magee	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	5 KB	
J	Donald Schwartz	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	4 KB	
J	Diane Berliner	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 1	5 KB	<b>-</b>
J	Susan Thing	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wo	ed 10/11/2006 1	5 KB	
J	Brian Weatherby	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	ed 10/11/2006 1	4 KB	
	Sarah Kaplan	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1	5 KB	
	Mika Suzuki	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1	S KB	
	Marcia Harvey	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1	S KB	
J	Camille Pierce	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1	KB	
1	Rachel Hurt	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1 5	KB	
J	Robert Bush	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	10/11/2006 1 5	KB	
١	Judith Schultz	Rethink the Tentatively Selected Plan for Lake Okeachabas B. We	d 10/11/2006 1 5	KB	
]	Andy Mc Cracken	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1 5	KB	
	Kimberly Lowe	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1 5	KB	
	Grace Eger	Rethink the Tentatively Selected Plan for Lake Okeechobee R We	d 10/11/2006 1 5	KB	
	Harriet McCleary	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wee	d 10/11/2006 1 4	KB	
	Michael Shapiro	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wee	10/11/2006 1 5	KB	_
	Carole Farrar	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	1 10/11/2006 1 5	KB	
	Rosemary Moser	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	1 10/11/2006 1 5	KB	
	Jeremy Schneider	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	1 10/11/2006 1 5	KB	
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	awrence Krantz	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	10/11/2006 1 5	KB	
	atjana Walker	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	10/11/2006 1 51	<b>KB</b>	1
	andra Saez	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	10/11/2006 1 51	(B	
	essica Richter	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	10/11/2006 1 5	(B	1
S	usan Lannin	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	10/11/2006 1 5 k	(B	
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****	ONALD RUIZ	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed	10/11/2006 1 5 K	В	7

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نــ	Bill Camp	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Madeleine Rogin	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	wendy eames	Rethink the Plan for Lake Okeechobee Releases	Wed 10/11/2006 1	4 KB
	ROBERT STREBECK	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Anne Robison	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Ester Fuchs	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Raymond Coffey	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Mitchell Maness	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Art Mandler	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Jean Jensen	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Mary Rochester	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Todd Pederson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	leann calhoun	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Roland A. Press	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	
	James McCarthy	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Bryce Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<u> </u>	Joan Heaps	Rethink the Tentatively Selected Plan for Lake Okeechobee Releases	Wed 10/11/2006 10:2	
	Heather Tucker	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	ALICE BARTHOLOMEW		<del></del>	
	John Vogele	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	David Marshall	Rethink the Tentatively Selected Plan for Lake Okeechobee Releases	Wed 10/11/2006 10:2	
	Brett Cloud	Rethink the Selected Plan for Lake Okeechobee Releases	Wed 10/11/2006 1	
	James Spreitler	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Reed Dils	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	
一三		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Diana Wendt	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Peggy Wynn	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Van Vives	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
_	Charlotte Steele	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kyle Gracey	Rethink the Tentatively Selected Plan for Lake Okeechobee R	************	
	rebecca koo	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Loretta Vives	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Amy Haines	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Suzanna Vasquez	Rethink the Tentatively Selected Plan for Lake Okeechobee R	The street contract c	
	Joe Font	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Bob Haugen			
	Jennifer Flory	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Katharine Emory	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Jennifer McDaniel	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	·
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	Joe Brazie	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Ronald Sitton	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Lola Johnson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Harriet-Rose Meiss	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Leo Skinner	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Audrey Higbee	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Colleen Cueny	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Carolyn Carr	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	<del></del>	
		Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Diana Dee	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	BRUCE KERRISON	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	The second secon	
	Olyme Moreno	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 9 5	КВ

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	Dennis Pennell	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	) 5 KB	
	Keith Gagomiros	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	) 5 KB	
	Teresa Wurts	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	) 5 KB	
	Alan Goggins	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	) 5 KB	
	Slim Heilpern	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 KB	
	Patrick Bosold	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 KB	
	Martha Glenn	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Frances Sonne	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 KB	
	Dave Potter	No Way: Tentatively Selected Plan for Lake Okeechobee Rele	Wed 10/11/2006 9	3 KB	
	John Capece	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 KB	
	Ariana Olshan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Michael W Evans	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
لــــا	LeAnn Munson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Andres Moreno	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	-
	Thomas Hall	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Thomas Pintagro	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Darwin Fields	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Alan Villavicencio	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Mack Elder	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Stella M. Aleman de G	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Kathleen Kaeding Tur	Reconsider the Tentatively Selected Plan for Lake Okeechobe	Wed 10/11/2006 9	5 KB	
	Julie Alaimo	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Fred Griest	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	P. Allen	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Charles & Phyllis HUG	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	linda baumgarten	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Douglas Estes	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	JOSEPH LITE	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Marc Daniel	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 KB	
	Jeanne Eligar	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 КВ	
	Kathleen Sewell	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Andy WALLIS	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 КВ	
	William Henry	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 КВ	
	Marge Hoctor	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 КВ	
	Amy Lambert	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
l L	Karen Salzgeber	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Carl Abrahamson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Dennis Winters	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Kristin Usher	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Gary Beard	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB	
	Daniel Harris	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 КВ	
	W. H. Wolverton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9.	5 KB	
	Brenda Brien	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9.	5 KB	
	Susan Bethon	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9.	5 KB	
	Mary Miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9.	5 KB	
	Mary Hickey	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9.	5 KB	
	Rick Flory	Rethink the Tentatively Selected Plan for Lake Okeechobee R			-
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	Brenda Eastlake'	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB
	Dan Rudioff	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	5 KB
	david leach	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 KB
	Linda Webb	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 9	4 KB
	Rochelle La Frinere	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
الــــــــــــــــــــــــــــــــــــ	Shirley Moog	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
نــــــــــــــــــــــــــــــــــــــ	Jorge Romero	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	J. Capozzelli	Please Rethink the Tentatively Selected Plan for Lake Okeech	Wed 10/11/2006 8	8 KB
	Wayne Truax	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Jack Higgins	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Ron Whiteley	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Susan Hogarth	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Joseph Shulman	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Lorne Beatty	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
١	Karen Heesch	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
الــــا	William Burke	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Alicia Butscher	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Ellyn Sutton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Damary Lopez	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Christine Georgiou	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Cindy Warner	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Alan Coulter	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Patricia Rodgers	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Patti Constantino	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	David Reece	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
ا	Robert Schlagal	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
٦	William Carter	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Sharon Buazard	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Steve Hummel	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Lee & Charlotte Terbot	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Beverly Ackerman	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Kelly White	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Marcla Clarke	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8 !	5 KB
	John Terry	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8 !	5 KB
	Diane Moeller	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8	5 KB
	Madeline Rivera	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8 5	5 KB
	Kathryn Boucher	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8 5	5 KB
J	Karen Greenhalge	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8 5	KB
	Frank Starr	Rethink the Tentatively Selected Plan for Lake Okeechobee R	·	
ل	tim mcdougall	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Stephanie Cloak-Sand			
	DAvid Benner	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Ruth Silverman	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 8 5	KB
	Karen Kortsch	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	David Vaughn	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Josh Norris	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	·- ·- · · · · · · · · · · · · · · · · ·	
	Beverly Atwood	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	· · · · · · · · · · · · · · · · · · ·	
	Kathleen Palmer	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	· · · · · · · · · · · · · · · · · · ·	
	Robert B. Kaplan	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	David Lien	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Nancy Patumanoan	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
		are remarkly deleted right for Lake Oncellibre K Y	IV/ II/ EVUO / 3	1/4

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! 🗅 🤅	From	Subject  Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<u> </u>	Bill Grant	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Diane Lavoie	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1	Lisa D'Antonio Tori Lentz	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Nicholas Romano Tina and Tom Jackson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		· · · · · · · · · · · · · · · · · · ·
	Randall Ellis	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kathryn Miller Ed Bramel	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Hannah Honeyman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Jose de Arteaga	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Stan Scharf	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Timothy Shanahan	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Erika Goldman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Mary Kearney	Rethink the Tentatively Selected Plan for Lake Okeechobee R		<del></del>
	Jennifer Apkarian	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
一	Annie Grewe		Wed 10/11/2006 7	
	Michael Morgan	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
一	Jean Gregas	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	joella mang	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Mailie La Zarr	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	joellene thompson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Daniel Hawley	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	stephen tognoli	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sherry Weiland	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Beverlee Goynes	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Nanette Oggiono	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	THEODORE MERTIG	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Judith Canepa	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Shayna Kohan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Charles Anderson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Angie Hughes	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Richard T. McCarthy	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Linda LeBlang	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Mark Hensman	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Jane Bernstein	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Steven Huber	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Sherry Marsh	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	4 KB
	Rebecca Goff	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Larry Daigneault	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Edward Schaechtel	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7	5 KB
	Sarah R. Thompson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Randy Tashjian	Rethink the Tentatively Selected Plan for Lake Okeechobee R	· · · · · · · · · · · · · · · · · · ·	
	Gayle Schultz	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	
	Kevin Scott	Please Adjust the Selected Plan for Lake Okeechobee Releases	<del></del>	
1		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
		Rethink the Tentatively Selected Plan for Lake Okeechobee R	· · · · · · · · · · · · · · · · · · ·	
1 -1		Rethink the Tentatively Selected Plan for Lake Okeechobee R	and the second s	
	Janice Foss	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 7 5	KB

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	andrew collings	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 7	. 5 KB
	Charles Dunham	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 7	. 5 KB
	Frank Mastri	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 7	. 5 KB
	Robert Supon	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 7	. 5 KB
	Earlene Webster	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 7	. 5 KB
	Renae McKeon	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 7	. 5 KB
	Regina Knapp	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 7	. 5 KB
	Mary Ellen Haslett	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Ronald Weidner	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	James Sams	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Lydia Garvey	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Michael Letendre	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Nancy Miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Ann Fonfa	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Jordan Heiman	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	J. Stephen Adams	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Sarah Uharriet	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Bruce Scotton	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Alanna Louin	Lake OkeechobeeRethink Tentatively Selected Plan Wed 10/11/2006 6	. 4 KB
	Robert Ballenger	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Charles Fox	Rethink and Improve the Tentatively Selected Plan for Lake O Wed 10/11/2006 6	. 5 KB
	Vero Brentjens	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
لـ	michael garner	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Carolyn Culver	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Timothy Rosser	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Russell Daggatt	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	Kristen Willis	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	. 5 KB
	William Erlenbach	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	5 KB
	Nancy Orr	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	4 KB
	Michael Hoffberg	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
لـــــا	Dan Brook	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Fred Akers	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	4 KB
	Deborah Medenica	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	5 KB
	Guy Zahller	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Diana Sholtz	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Andrea Rentmeester	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	wendy walters	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Gunter Wendland	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Richard Campbell	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	roberta bunsick	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Edward Wawrzyniak	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	john brinkman	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Anca Viasopolos	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	-
	Richard Pasichnyk	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Sheridan Neimark	Kill the Plan for Lake Okeechobee Releases Wed 10/11/2006 6	
	Sandra Cobb	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	<del></del> :
	tl .	Please Rethink the Tentatively Selected Plan for Lake Okeech Wed 10/11/2006 6	
	Kevin Jones	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	Barbara Pillers	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
	FRAN REYES	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	
ا ليا	John Gurley	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 6	5 KB

[ T)	g From	Subject	Received T	Size 💝
1	Marian Cruz	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1	Barbara Gunther	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Laurel Brody	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Takuji Soyama	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kendra Whiteley	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Joe Scanlan	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Craig Lee Asbury	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	robert wolf	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Niyati Brown	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Carolyn Hirning	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
十二	Giovanni Mastracchio	Rethink the Tentatively Selected Plan for Lake Okeechobee R	• • •	
H-	Julie Machado	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Marti McKenna	Rethink the Tentatively Selected Plan for Lake Okeechobee R	~~ <del>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</del>	
<u> </u>	Corine DiTommaso	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Heather Grube	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	
一	Lauren Hoffmann	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
一	Donald Blickens	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	David Howenstein	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	J.B. Coleman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	L. Mojica	Rethink the Tentatively Selected Plan for Lake Okeechobee R	• •	
	Craig Blackard	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Richard Hollister	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Richard Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	craig conn	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	randy sailer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<u> </u>	
	Abby Dahlquist	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Rebecca Long	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 6	5 KB
	Dan Maguire	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	landis everson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5	5 KB
	M.W. Wenner	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Stan Martin	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5	5 KB
	Russel Patterson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5	5 KB
	Christina Schoppert	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5	5 KB
	Nancy LaPlaca	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5	5 KB
	natalie sanchez	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 !	5 KB
	Heather Doss	Reduce, do not Increase, Lake Okeechobee Releases	Wed 10/11/2006 5 !	5 KB
	Patricia Bolt	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 !	5 KB
	Anthony Aviles	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5	5 KB
	Scot Stollenwerk	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	KB
	Alex Varner	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	KB
	Martina Clark	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	KB
	Jeb Brown	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	Jane Bryant	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	randy Harrison	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	Debra Saude	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	lesley brindley	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	Mariena Lange	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	Carol Gray	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	KB
	C.E. Sherrod	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	marta hinsonb	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 5 5	КВ
	Joseph Sebastian	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ned 10/11/2006 5 5	КВ

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1 1 9	From	Subject	Received		
	Harriette Frank	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Rebecca Gemmill	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Lori Blauwet	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Ofer Fuchs	Rethink the Tentatively Selected Plan for Lake Okeechobee R	*****		
	Maury Weiner	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Vance Hamilton	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Constance Anderson	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Glen Zorn	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	mindy mayers	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Kathy Ruopp	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Griselda Sloan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/	2006 5	5 KB
	John Grillo	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/	2006 5	5 KB
	Charlene Root	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/	2006 5	5 KB
	April Brumson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/	2006 5	5 KB
	Maria Stahi	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/	2006 5	4 KB
	Harriet Stucke	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/	2006 5	5 KB
	J. Ackerman	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Mark Schneider	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Andrea Bureman	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
1-	Julie Skelton	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
一	Chris Brozell	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Bill Leon	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	AUDEN COLEMAN	Rethink the Tentatively Selected Plan for Lake Okeechobee R	T. 1		
	Kenneth Bozek	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
=	James Gilland	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<u> </u>	Marcella Hammond	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<del>                                     </del>	Katherine Gardner	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<del> </del>	Lee Gibson	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<del> </del>	Teri Muroff	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	B. L. Henderson	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<b>├</b>	Elyse Friedman	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<u> </u>	Jenna Rytina	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
-	Jeffrey Bedrick	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
		Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Bruce Fraley	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Meredith Green	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Phillip J. Crabill	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Karen Malkin	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	John Noel				
	Guy Hollyday	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Cal Adams	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	PATRICIA Standring	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Sandra Noah	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Wayne Ude	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	NK Acevedo	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	h Shukla	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Barbara Barry	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
الــ	Fred Lavy	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Cathy Duley	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Sylvia Rodriguez	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Regina Stephens	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Anders Gustafson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/	2006 5	5 KB

	g From	Subject	Received	۲	Size	۶
	Anne Brennan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	5 KB	
	Alan Van Gemert	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	5 KB	A. V .A.
$\perp$	Richard Artley	Rethink the Tentatively Selected Plan for Lake Okeechobee R	70			,
ᆜ	Dorothy Russell	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	5 KB	
	Marci Moss	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	5 KB	
	Sonia Salhany	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	5 KB	
	Jim Link	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	4 KB	
	Eleanor Becher	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	5 KB	
	michael hodgson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 5	5 KB	
	Rachelle Giuliani	Rethink Tentatively Selected Plan for Lake Okeechobee Relea	Wed 10/11/200	6 5	5 KB	
لــ	Kelly Garbato	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Erik Hanson	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Mary K Young	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
ً لــــ	Hope Sheppard	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Justin Taylor	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
١	Jay Gassman	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Michael MacElhiney	Rethink the Tentatively Selected Plan for Lake Okeechobee R	7777			<del></del>
	Kim Johnson	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
لـ	Amelia Fusaro	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Bea Westrate	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Wendy Schorr	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	John Gillmore	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Dorothy Green	Selected Plan for Lake Okeechobee Releases Seriously Flawed				
	Julie Turner	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Dan Newman	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Loretta Jones	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Patricia Reed	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Jean Woodman	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Jeanne Place	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
٦	KayLee Witt	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	David Schogel	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	D. Parr	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	George Everett	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Richard Gilman	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Jill(ene) North	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Richard LeTourneau	Rethink the Tentatively Selected Plan for Lake Okeechobee R				[
	Aline Otero	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Daniel Shively	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				
	Tom Adkisson	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	~==			
	Frank X. Kleshinski	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				
	Pamela Green	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				
	Amber Sumrall	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				
	BC Macdonald	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	Jennifer Pyper-Muno	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	Tracy Clem					
·	Romie Brown	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	James Denison	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	Don and Roberta Thu	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	Tim Glover	,				
	Jamie Mierau	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
		Rethink the Tentatively Selected Plan for Lake Okeechobee R W				-
<u> </u>	Harold A Samuels	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 4	J 5 1	KB	

! 🗅	9 From	Subject Received 5	Size
	Zona Hays	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Charles W. Jackson	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Lorraine Akelian	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Frank Boggio	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Ann-Marie Benz Heins		
	Donald Dodge	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Christopher Heuman	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Mary Jo Adams	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Laurie Seymour	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Timothy Devine	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Kathy Herman	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Ethan Jankowski	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Mike Sexton	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Anthony and April Do.	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Marie Plante	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Helen Schafer	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Michael McManus	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Nicholas Laboffe	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Linda Newkirk	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Homer Reese	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Thomas W. La Point	Plan for Lake Okeechobee Releases Wed 10/11/2006 4	
	Douglas McNeill	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
ال.	Victor stankov	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
7	John Payne	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Charlee Wagner	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Mark Rauscher	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
لـــا	Ana Rudolph	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Barbara Woltz	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Sandy Lynn	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Jim & Virginia Wagner	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	William Ryan	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Kelly Anderson	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Charles J. Kropke	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Kirk Rhoads	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	Terry Woods	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	5 KB
	N. SUKUMAR	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	1 KB
	Leona Kierer	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4	
	Susan Ross	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	William Galli	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Daniel Gray	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Donna Iracki	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	lisa covel	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Anthony Modafferi	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Eugene Pumphrey	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	cory golden	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	_
	Craig Zandstra	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Dennis Michon	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Alice Royer	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Russell Henry	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Cheri Riznyk	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	
	Ron Bottorff	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2006 4 5	KB

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<u> </u>	g From	Subject Received		Size	*
	Kim Brush	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
		Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
	Steven Libby	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
		Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
		Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
	Deanna Stillings	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
		n Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11,			
	Chris Buelow	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
	Brendan Hughes	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11			
	Martha Herzog	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11,			
	Tina McQuiston	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Pat Barbutti	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Kristen Osman	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Connell Morrison	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Roger Overholt	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Dorinda Scott	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Patricia Countryman	The state of the s			
	Corinne Myers	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Robert A. Mertz	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	lorraine mason	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Mark Danenhauer	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/	2006 3	5 KB	
	Michael Dunn	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Jeremy Brown	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Chad Barth	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	susan evans	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			
	Michael Tomlinson	Please Rethink the Tentatively Selected Plan for Lake Okeech Wed 10/11/			
	Joan Sage	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/			-
	Bob Villers	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2			
	Nancy-UK Swanson	Rethink the Tentatively Selected Plan fokeechobee Releasesr Wed 10/11/2			
	Mark Morehead	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2			
	Edward Dery	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2			-
	Dane Merkel	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2			
	Niki Pestel	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2			
	Michelle Wales	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2			
	Jack Siepert	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	2006 3 5	5 KB	
	Joshua Houdek	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	5 KB	
	Karen Lind	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	5 KB	
	Claire Dye	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	KB	
	Candice Birkenhauer	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	KB	
	Jackie Kell	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	KB	
	John Pederesen	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	КВ	
	Emil Scheller	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	КВ	
	Randy Merkel	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2	006 3 5	КВ	
لــــا	Lucy McCrone	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/2			
	C. Hall	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/20			
	Nathan James Lein	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/20			
	Gwendoline Amato	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/20			
	NANCE O	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/20			
لـ	Jan Paley	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/20			
	Hal Trufan	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/20			
	Nina Keefer	Rethink the Tentatively Selected Plan for Lake Okeechobee R Wed 10/11/20			

<b>!</b> 🗅	g From	Subject	Received 5	Size	8
	Tammy Robinson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	caroline kane	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
لـ ا	Charlene Kerchevall	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	James Luschwitz	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	marty gallagher	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	Steve Tyler	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	Jodi Swanson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	Stephanie Mertens	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	Phil DJernes	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	Roxann Shadrick	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	Jennifer Hayes	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	David Modarelli	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	. 5 KB	
	AShley Nottingham	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Ed stahl	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	4 KB	
	Eric Zeiler	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Mercy Drake	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Roger Packard	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Greg & Pam Harrison	Lake Okeechobee	Wed 10/11/2006 3	4 KB	
	Christian Heinold	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Laura Russell	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Maria DiFiore	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Marleena Francis	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Rick Meyers	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
لــــا	Loren Wieland	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Charlene Rush	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Erik Jansson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Jennifer Terhune	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Kim Kost	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB	
	Jane Wentworth	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Vic Miles	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Renee Davis-Born	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Beth Miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	<del></del>	_
1	Jonathan Horwitz	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Dave McKee	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<u> </u>	June Vassallo	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Joe Adams	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Linda Day	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Susan Beit	REJECT the Tentatively Selected Plan for Lake Okeechobee R			
	keith kunz	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<u> </u>	Debra Raymond	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Pinky Jain Pan	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<u> </u>	Liana Sonne	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Micahel Rogers	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<u> </u>	Ross Weller	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Lowell Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R	··· · · · · · · · · · · · · · · · · ·		
	Marliese Bonk	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Frank Harte	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	A Wilson	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Emily Greenspan	Rethink the Tentatively Selected Plan for Lake Okeechobee R V			
	Mary Rawl	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		·	
	christine baker	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 3	5 KB	

	g From	Subject	Received T	Size
		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Alice Andrews	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
نــ	M Howell	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Tim & Theresa Jaques	s Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB
لـ	Anita Shiplett	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB
لـ	Michael Levreault	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB
لــــ	Pam Anderson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB
لــــــــــــــــــــــــــــــــــــــ	shona banks	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB
	Martha Jane Ripple	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB
	Liana Liotta	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	5 KB
لــــــــــــــــــــــــــــــــــــــ	Anthony Edwards	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 3	3 КВ
لـ	lellean moniz	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
لــ	Donna Cohen	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
ل	Theresa Ciavarella	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Andrea Khunnadchian			
	Anthony Parisi	Rethink the Tentatively Selected Plan for Lake Okeechobee R	1470-14	
	Dottie Eddis	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
J	Paul Wilkins	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
ل	allison vetter	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Deborah Lord	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Robert Magill	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	seth urbanowitz	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
٦	Mark Feldman	RETHINK the Tentatively Selected Plan for Lake Okeechobee		
	Susan Isaacs	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Diann Macrae	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Joseph Werzinski	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Paulette Whitcomb	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Thomas Nelson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sol Cohen	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Joseph Herzog	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Katy Flanagan	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
J	Hoyte Davis	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
丁	Lynda Leibowitz	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sherry Cordova	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
J	Donna Riddle	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
J	Peter Thompson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Robert Kalovsky	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Debra Rehn	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
=	Kim Tostenson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<u> </u>	D. Blistan			
<u> </u>	kim bauer	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
<u> </u>	Lisa Garcia	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Susan Chandler	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
ا		Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Blair Grey	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Debra Gakeler	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	John White	Rethink the Tentatively Selected Plan for Lake Okeechobee R W		
<u></u>	mary beth Pope	Rethink the Tentatively Selected Plan for Lake Okeechobee R W		
	Jenni Morian	Rethink the Tentatively Selected Plan for Lake Okeechobee R W		
٠	Scott Murphy	Rethink the Tentatively Selected Plan for Lake Okeechobee R W		
	John T. Dixon	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 2 5	KB

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: 0 (	From	Subject	110001100	Size	
	Joan Abruzzo	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Paul Warner	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Delia Barrett	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 4 KB	
	Albert Archard	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Dorothy Bennett	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 5 KB	·
	John Curotto	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 5 KB	
	Henri Andre Fourroux	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 5 KB	
	Alison Chabonais	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 5 KB	
	Marlies Van Dijen	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 5 KB	
	Randolph Gyulay	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 5 KB	
	David Hultgren	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	. 5 KB	
	Heather Johnson	Rethink the Plan for Lake Okeechobee Releases	Wed 10/11/2006 2	. 5 KB	
	Erin Steurer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	
	Jen Jackson	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Staci Stanton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>		
1-	Cynthia Crist	Rethink the Tentatively Selected Plan for Lake Okeechobee R			<del></del>
<u> </u>	andrea valenzuela	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
		Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Scott Groce	· · · · · · · · · · · · · · · · · · ·			
<u> </u>	Samuel Havelock	Rethink the Tentatively Selected Plan for Lake Okeechobee R	· · · · · · · · · · · · · · · · · · ·		
1-	Shell Lavender	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
1 -	David Roth	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Barry Seth	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Rose Oliver	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Rob Seltzer	Rethink the Tentatively Selected Plan for Lake Okeechobee R		·····	
	Kathleen Colburn	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Juli Kring	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Jennifer Delker	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	
	kathy hall	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	4 KB	
	Kierstin Carlson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	
	shelley deshong	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	
	Lisa Meacham	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	
	Jenny Hayes	Reject the Tentatively Selected Plan for Lake Okeechobee Rel	Wed 10/11/2006 2	4 KB	
	Lisa Quartararo	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	
	Thor Bahrman	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	4 KB	
	Helen Lohmann	REJECT the Tentatively Selected Plan for Lake Okeechobee R	· · · · · · · · · · · · · · · · · · ·		
<u> </u>	maria nasif	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>		
一	Rick Battaglia	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>		
	Richard Meininger	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
一	Thomas Morrison	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Weldon H Jackson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>		
	Bonnie Mc Cune	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
		Rethink the Tentatively Selected Plan for Lake Okeechobee R			
		Rethink the Tentatively Selected Plan for Lake Okeechobee R  Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Donna Lewis				
	Melissa Lemke	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	laurie sudol	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
<u> </u>	Mary McClung	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Judith Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Joyce Cummings	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Dan Jarosz	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Donna Seymour	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	
ً لـ إ	Mary Nell Bryan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 2	5 KB	

	g From	Subject	Received	<u> </u>	Size	۲
	Michael Gilgun	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 2	5 KB	
	Michael Hayes	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 2	5 KB	
	Tanya McCabe	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 2	5 KB	
	Debra Skup	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 2	5 KB	
	James Tornatore	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 2	5 KB	
	Judy Dietel	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	6 2	5 KB	
	Jessica Duggan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	5 2	5 KB	
	P. Magee	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	5 2	5 KB	
	Jackie Pomies	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	5 2	5 KB	
لب	Karen Mallonee	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	5 2	5 KB	
	katharine maxwell	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/200	5 2	5 KB	
لـ	Randolph Schoedler	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Richard Dilley	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Linda Lee McEachron .	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Alicia Faires	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
٦	John Essman	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
لــ	Dean Amel	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
٦	gina johansen	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Heather Halvorson	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Carolyn Gopalan		Wed 10/11/2006			
	Rachel Noll	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Mary Sier	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
ً لــ	Michael Garvin	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Cameron Karsten	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
لـ	Katrina Butcher	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Paul Statman	Rethink the Tentatively Selected Plan for Lake Okeechobee R				—
	Florence Krych	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Colleen Bennett	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
$\Box$	David Grant, MD	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Richard Leonard	Rethink the Tentatively Selected Plan for Lake Okeechobee R			_	
	Christopher Zygmont	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Joseph Labuda	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Carol Rawlins	Rethink the Tentatively Selected Plan for Lake Okeechobee R	~			
	pat maisonnave	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Ted Baker		Wed 10/11/2006			
	David Ellis	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Sara Ijadi	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Martha J Kenney	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Stephen Owens	Rethink the Tentatively Selected Plan for Lake Okeechobee R				-
	Jean Power	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				• • •
	Ruth Oison	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				-
	Margaret Welke	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				
	Ian Noah	Rethink the Tentatively Selected Plan for Lake Okeechobee R V				-
	Sandra Barnett	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	John and Debbie Ress					
	Thomas Windberg	Rethink the Tentatively Selected Plan for Lake Okeechobee R We Rethink the Tentatively Selected Plan for Lake Okeechobee R				{
	Marc McCord					
	Keith Krupinski	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	Fay Stewart	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
<del></del>	Douglas Underwood	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	Richard Fontana	Rethink the Tentatively Selected Plan for Lake Okeechobee R W				
	Nichalu rullana	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	ed 10/11/2006 2	5	KB	1

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! 🗅	@ From	Subject	Received \(\nabla_{\text{1.0005.0}}	Size ?
1	Kirbyrambo@aol.com	Lake Okeechobee	Wed 10/11/2006 2	
1-	RBarba1635@aol.com		Wed 10/11/2006 2	<del></del>
1-	Y. Davis	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del> </del>	
	Ken Jones	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Nicholas Bartic	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1-	Rhett Lawrence	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del> </del>	
1	Jack Runnels	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1-	David Cotton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	
<del> </del>	Tom Burkett	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1	John Guenzel	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Pam Liu	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Dennis Morley	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Allen Tedrow	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<del>                                     </del>	Halina Just	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kanglei Wang	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1-	Jack Ingersoll	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>	<del></del>
	Har Simrit Singh	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<u> </u>	Margot Storti-Marron	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Douglas and Theresa			
	Karen Morse	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sandra Lord	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Crystal Rippy	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	lynn coffey-edelman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Dina Grasso	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	April Ingle	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Marie DAnna Sandy Sobanski	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1	JB Miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	rebecca trujillo	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Margaret Baylor	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Anne Cassebaum	Rethink the Tentatively Selected Plan for Lake Okeechobee R  Revise Plan for Lake Okeechobee Releases		
<u> </u>	Paul Busch		Wed 10/11/2006 1	
	Sarah Hafer	Rethink the Tentatively Selected Plan for Lake Okeechobee R  Rethink the Tentatively Selected Plan for Lake Okeechobee R	· · · · · · · · · · · · · · · · · · ·	
-	Lisa Haugen			
<del>                                     </del>	Solar Richard Thomps.	Rethink the Tentatively Selected Plan for Lake Okeechobee R  Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<u> </u>	Sandra Peterson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Patricia Burke	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Charmaine Clapp	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Liz Ryan Cole	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Daniel Fewster	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Joseph Wiesner	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Lisa Marshall			
	Kathy Sweeney	Rethink the Tentatively Selected Plan for Lake Okeechobee R \ Rethink the Tentatively Selected Plan for Lake Okeechobee R \		
	Richard Hardin			
	Kathy Green	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	<del></del>	
	Bridget O'Neill	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	T.S. McMillin	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
····		Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Bobby Moore	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Patrick L. Boyd	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Maria Scianna	Rethink the Tentatively Selected Plan for Lake Okeechobee R W		
<u>i</u>	Nancy Reynolds	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	ved 10/11/2006 1 5	KB

<u>! D</u>	From	Subject	Received	5	Size	8
1: 4	Nancy Collins	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Daniel Cottle	Plan for Lake Okeechobee Releases	Wed 10/11/20	·····		
H-	William Schramm	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del>.</del>			
	Gail McMahon	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
一	Anne Wood	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	Kim Johnson	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
1	Harold Highland	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>			
	Beth Tatum	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Robert Jordan	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Steve Glazer	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Julie Stuart	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	EDWARD CUBERO	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Ed Sweda	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Ann McMullen	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	Lee Frank	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Mary Rawl	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	Gerry Milliken	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
1	Carol Garriott	Rethink the Tentatively Selected Plan for Lake Okeechobee R	·			
	Jana Krause	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-		Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Scott Hed	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	Vesna Glavina Jessica Vadella	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Sonja Glavina	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	Chad Bisk	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Andrew Clark	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Jason Wrobel	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Wonil Kim	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
- <del>-</del>	Chris Stephens	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	David Rieckmann	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	John and Betty Weber	Rethink the Tentatively Selected Plan for Lake Okeechobee R		<del></del>		
	Judith Carter	Rethink the Tentatively Selected Plan for Lake Okeechobee R		• • • • • • • • • • • • • • • • • • • •		
	MOrgan Crawford	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Deborah Cassady	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
<u> </u>	Brad Jackson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<u>`</u>			
	Greg Terhune	Lake Okeechobee Releases	Wed 10/11/200			
<del>                                     </del>	Annette B.	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Tom Coplen	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	John McKean	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
H-	Dale LaCognata	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Rhonda West	Rethink the Tentatively Selected Plan for Lake Okeechobee R			-	
	Tiffany Candelaria	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Cal Collier	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-		Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Kenneth Payne Robert Parkinson	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
						-
	Donna Marks	Rethink the Tentatively Selected Plan for Lake Okeechobee R  Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Lisa Printz					-
<del>                                     </del>		Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Natalie Bennon	Rethink the Tentatively Selected Plan for Lake Okeechobee R  Rethink the Tentatively Selected Plan for Lake Okeechobee P				
	Katie Grew	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
_ _	Jim Brown	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Scott Bulgrin	Rethink the Tentatively Selected Plan for Lake Okeechobee R	wea 10/11/200	01	) KB	

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; 🗅	g From	Subject  Rethink the Tentatively Selected Plan for Lake Okeechobee R	170001100	
1-	Carol Watts	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1-	michele Hall	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1	Amy Dombroski			
1-	Harriet Helman	Rethink the Tentatively Selected Plan for Lake Okeechobee R	·	
	deb dillon	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kevin Murphy	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sheila Ward	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Clark Andelin	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1-1	Donna Francis	Rethink the Tentatively Selected Plan for Lake Okeechobee R		~
1	Edward Waxman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1-	Jennifer McIvor	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sara Zaza	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1 -	Elizabeth McSweeney	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Larry and Gimone Hall	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Marilyn Angulo	Rethink the Tentatively Selected Plan for Lake Okeechobee R	··	
	Tom Sciamanna	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	kris srail	Rethink the Tentatively Selected Plan for Lake Okeechobee R	······································	
	David Coles	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Ann Colley	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	JoAnn Perryman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Mark Berkheimer	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Diane Benya	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	JulieandGary Parkera	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Solo Greene	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kate Graves	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Joseph Labuda	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Erin Higbee	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Dustin Clark	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Anna Hill	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	matthew hill	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Thomas Pass	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	John Harbeck	Rethink the Tentatively Selected Plan for Lake Okeechobee R		5 KB
	Fred Teixeira	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Leonardo Sarli	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Craig Caldwell	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sally Schwartz	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Marianne Pendleton	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
١	Frederick Smith Jr.	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Charles Winterwood	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Jennifer Harris	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Sarah Doherty	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Chuck Hammerstad	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	joe wright	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Frank Aaron	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Tanya Cowperthwaite	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Thor Mathiason	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kim Malek	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	William Lampe	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Peter Cohen	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Mslistr@aol.com		Wed 10/11/2006 1	
1	Judith' Burnaman		Wed 10/11/2006 1	5 KB
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	g From	Cubiant	Received	₹	Size	8
1	Stephanie Embrey	Subject  Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Brian Inouye	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Marilyn Ortt	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
<del></del>	Terry Huey	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	Sarah Thomas	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Robert Leighton	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Bonnie Miller	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
1-	Jonathan Cupp	Rethink the Tentatively Selected Plan for Lake Okeechobee R	· · · · · · · · · · · · · · · · · · ·			
	Letitia Prentice	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
<del></del>	Rick Voreck	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
<del>                                     </del>	Dorcas Midkiff	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-		Rethink the Tentatively Selected Plan for Lake Okeechobee R				
-	Carlene Petty	Please Rethink the Tentative Plan for Lake Okeechobee Relea				
	Robert Cerello	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Mariene Pratt					
	Betty Shipley	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
<u> </u>	John Robey	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Eilzabeth Ungar	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Margaret Sifferlin	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>			
1	Ann Marie Kotlik	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
<u> </u>	Laurette Alexander	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Chad Young	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Donna Hodsdon-Trips	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Doug Keller	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	James Provenzano	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
		Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Fred Hay	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Richard Esson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	•			
	b ellerbeck	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Lee Basnar	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	John Massman	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Forest Shomer	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Elizabeth Miranti	Rethink the Tentatively Selected Plan for Lake Okeechobee R		<del></del>		
	Bernard Legrand	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>			
	Jennifer Alexander	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Ryan Branciforte	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Stefani Garis	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
]	Cheryl Rosenfeld	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Joshua Gonzales	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	John Blair	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<u>.</u>			
	Robert Weiss	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Johnny Asia	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
	Christiaan Siano	Rethink the Tentatively Selected Plan for Lake Okeechobee R				
لــــ	Robert Barrington	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	006 1	5 KB	
	Patti Packer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	006 1	5 KB	
	lisa lintner	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	006 1	4 KB	
	Holly Chisholm	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	06 1	5 KB	
	Scott Bushnell	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	06 1	5 KB	
١	pam reynolds	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	06 1	5 KB	]
لـ	Sarah Pruitt	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	06 1 !	5 KB	
لـ	Judith Goldstein	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	06 1 !	5 KB	_ 1
	Rene Valladares	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/20	06 1	5 KB	

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	Katherine Kautz	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	toni siegrist	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
لـــــا	Lily Leung	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	JANICE burgi	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Margherita Davis	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Sharon Barnes	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Darcie Holcomb	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Anton McInerney	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	annie laurie	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Eli Yerbury	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB	
نــا	Jennifer Bishton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	S.Jena Daniels	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	RJ Browne	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB	
	Emily Heinlen	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Christina Fong	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	brigitte carlson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	william & louise wing	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Susan Brittain	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	SANDY KENNEDY	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Richard Heaning	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Kathleen Eaton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Greg Schneider	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Susann Argetsinger	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Patrik Rousselot	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Leigh Kennison	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Melanie Johns	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Kari Wisenbaker	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	D.M. GORE	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	. 5 KB	
	Loreli Fister	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Christina Babst	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Heather Cross	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Scott Sobel	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Susan Dzienius	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	sidney ramsden scott	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Donald Kurz	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 4 KB	
	Ann McDermott	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Michael Swift	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Michelle Haugen	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Stephanie Feyne	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Renee Kirkpatrick	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB	
	Gary Sanders	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Janet Deming	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Cindy Anders	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Wed 10/11/2006 1	5 KB	
	Molly Weigel	Rethink the Tentatively Selected Plan for Lake Okeechobee R V			
	Stephen matera	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Wed 10/11/2006 1	5 KB	]
	Steve Frie	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Wed 10/11/2006 1	4 KB	
	Justin Bloom	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	5 KB	
	Lesiey Drucker	Tentatively Selected Plan for Lake Okeechobee Releases	Ved 10/11/2006 1	5 KB	
	G. Shissler	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	5 KB	
	Andrew Reich	Rethink the Tentatively Selected Plan for Lake Okeechobee R W	Ved 10/11/2006 1	5 KB	]
	Alan Wojtalik	Please rethink the tentatively selected plan for Lake Okeecho W	Ved 10/11/2006 1	5 KB	

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! 0	g From	Subject	Received T	Size 💝
<u></u>	James Murdock	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	michael bordenave	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	David Jones	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Tom Rust	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 4 KB
	Stephen Donnelly	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	karin potter	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Copley Smoak	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Wade Graham	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Ken Goldsmith	I Oppose Your Plan for Lake Okeechobee Releases	Wed 10/11/2006 1	. 4 KB
	Bill Lovejoy	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 4 KB
	Tina Rhea	Bad Plan for Lake Okeechobee Releases	Wed 10/11/2006 1	. 4 KB
	Richard Mc Anulty	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Ann Gerschefski	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Gary Mierau	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Marie Ross	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 4 KB
	Mary Ann McFarland	Rethink the Tentatively Selected Plan for Lake Okeechobee R	···	
	Connie Golden	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Kala Rachilla	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Cynthia Drake-Martine	ez Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Dan Larson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	. 5 KB
	Ginamaria Trello	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Joshua Danson	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Peter Kelley	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	3 KB
	Joelyn Carr-Fingerle	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Barbara Arcure	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Gabrielle Burton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Karen Fedorov	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Tom Bastien	Caloosahatchee River	Wed 10/11/2006 1	2 KB
	Richard Bryant	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Carol Kite	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Kirk Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Larry Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Marta Wood	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Jeanne Wheeler	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Kari Knabe	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Julene Freitas	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Lynde Williams	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	James Green	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	David Rosenstein	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Priscilla Mattison	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Harvey Buchbinder	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	g. winters	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	D Cooper	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	tina fritts	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Paula Menyuk	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Susan Burgenbauch	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Michael Elder	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	William Belknap	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Cathy Merrill	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Patricia Wiberley	Rethink the Tentatively Selected Plan for Lake Okeechobee R V		
	Janet Fotos	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	4 KB

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	Chris Wrinn	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Deb Vallario	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Carlo Popolizio	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Jennifer Griffith	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Thomas Morgan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	J Meyer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	4 KB
	Mel Henshaw	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	4 KB
	Nicole Rahman	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Cathy Smith	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	CAROLINE PIERCE	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Callie Riley	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Amy Groen	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Daniel walford	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Rob Masonis	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Jan Tullis	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Andy Lynn	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	David Luxem	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	. 5 KB
	Rob Saccoccio	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB
	Michael McCartin	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	. 5 KB
	Louise Mann	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Howard Steffens	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<u>·</u>	<del></del>
	Nancy Shrewsbury	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Suzanne Greene	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Michael O'Brien	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Carl Nylund	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Chase Barton	Reconsider the Tentatively Selected Plan for Lake Okeechobe	<del></del>	
	Philip Foster	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Wendy Garpow	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Mark Sulzman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Christine Steele	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
一	Patricia Mackura	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Gary Toczylowski	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<del>  -</del>	Tobi Zausner	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Bruce Cohen	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sloan Matthews	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Timothy Mossman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		***************************************
<del>-</del>	Shana Udvardy	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-		Rethink the Tentatively Selected Plan for Lake Okeechobee R		
-	Serge Popper	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<del>  -</del>	Brooke Bryant	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Regina Benge			
-	Colleen Gray	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Jennifer Driver	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Kristin Burch	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	David Green		Wed 10/11/2006 1	
	Suzanne Robert	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
<del>                                     </del>	Virginia Downs		Wed 10/11/2006 1	
	Mary Ann Wilson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Elizabeth Zimmerman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	zbyslaw Owczarczyk	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Shannon Dillon	Rethink the Tentatively Selected Plan for Lake Okeechobee R		···
ال.	Holly Eaton	Please Rethink the Plan for Lake Okeechobee Releases!	Wed 10/11/2006 1	4 KB

! 0	g From	Subject	Received T	Size	7
	Kelly O'Donnell	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006	1 5 KB	
	Peter Bromer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006	1 5 KB	
	Jennifer Stefanow	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 :	1 5 KB	
	Barbara Rollans	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006	1 5 KB	
	Nayeem Aslam	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006	1 5 KB	
	Amy Tajdari	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006	L 5 KB	
	Kat Raisky	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006	L 5 KB	
	Walter Buerkle	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	L 4 KB	
	Jennifer Lance	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	L 4 KB	
	Dana Price	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	l 5 KB	
	Janet Girard	Rethink (for God's sake!)the Tentatively Selected Plan for Lak	Wed 10/11/2006 1	L 5 KB	
	Doreen Tignanelli	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	l 5 KB	
	Kathleen Morris	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	l 5 KB	
	Jermiah Sullenger	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	l 5 KB	
	Sister Carol Boscheer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	l 5 KB	
	Stan Samuels	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Marian Fricano	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	C. Kim Grant	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Linda Sessine	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Lucia Papartis	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Robert Zai III	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Helen Greer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Mark Arnold	Reject the Tentatively Selected Plan for Lake Okeechobee Rel	Wed 10/11/2006 1	4 KB	
	Jonathon Alexander	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
لـــــا	Karen Grubb	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Stephen Dunne	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Barry Tuscano	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Heather Hamilton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Linda Segali Anable	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Shelley Dahlgren, PhD				
	Michael Spadoni	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Kelly Lyon	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB	
	Rebecca Klasen		Wed 10/11/2006 1.		,
	John Morrison	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Taryn Harrison	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1.	5 KB	
	Kathryn Madison	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Maya Moiseyev	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Michael Mihok	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Marina Bouchot	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Sandra Sweetman	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Carrie Dombeck	Please rethink the tentatively selected plan for Lake Okeecho			
	Frank DeSerio	Rethink the Tentatively Selected Plan for Lake Okeechobee R		·	
	Nan Schweiger	Rethink the Tentatively Selected Plan for Lake Okeechobee R	<del></del>		
	Mona Dube	Rethink the Tentatively Selected Plan for Lake Okeechobee R			
	Monna Manning	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	· · · · · · · · · · · · · · · · · · ·		
	William Sarafin	Rethink the Tentatively Selected Plan for Lake Okeechobee R V			
	Mary McEvilly	Rethink the Tentatively Selected Plan for Lake Okeechobee R V			
	Eileen Tennant	Rethink the Tentatively Selected Plan for Lake Okeechobee R V			
	John Lemaux	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	<del></del>		
	Charles De Paola	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	<del></del>		]
	Christine Cass	Rethink the Tentatively Selected Plan for Lake Okeechobee R V	Ved 10/11/2006 1	. 5 KB	

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	Pamela Dannacher	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Laura Herndon	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Thomas Cunningham	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Lindsey Aldridge	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Michele Angel	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Rick Baker	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Michael Mahoney	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Kathleen Gutierrez	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Tom Skusevich	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Rosetta T. Rizzo	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Marguerite Panzica	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Megan Camarena	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Ardith Arrington	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	sarah williams	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Robert Rutkowski	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Kip Patrick	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Karl Hubert	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
1	joanne groshardt	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Kimberley Graham	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Mary Schilder	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Brand Shelton	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	leonard morgan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Frances Tan	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Karen Ziomek Vayda	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
لـــا	Tami Palacky	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Guy Prouty	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Vanessa Simshauser	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Dana Wong	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Joe Coelho	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	B Garner	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Bianca Constance	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Tia Triplett	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	4 KB
	Janice Parker	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Eric McLearon	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
1	Paul Hofferkamp	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	5 KB
	Washam-Morgan Lydia			
	John Gleeson	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Ross Farnham	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	aimee whitman	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Julia Spilker	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Scott Olsen	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1	1 KB
	Susan Hull	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Jayne Boyer	Rethink the Tentatively Selected Plan for Lake Okeechobee R	Wed 10/11/2006 1 !	5 KB
	Stephen Bamford	Rethink the Tentatively Selected Plan for Lake Okeechobee R		
	Sticht, Nancy J SAJ		Wed 10/11/2006 1 7	KB
4 %	Gray, Paul N.	****	Tue 10/10/2006 6:06 1	
	Sticht, Nancy J SAJ		Tue 10/10/2006 5: 7	KB
	Sticht, Nancy J SAJ		Tue 10/10/2006 5: 5	KB
	Sticht, Nancy J SAJ		Tue 10/10/2006 5: 8	
	Sticht, Nancy J SAJ		Tue 10/10/2006 5: 8	КВ
	Sticht, Nancy J SAJ	FW: Please help	Tue 10/10/2006 5: 4	KB

9 From	Subject	Received	٢	Size	7
Sticht, Nancy J SAJ	FW: Lake O water discharges	Tue 10/10/200	6 5:	6 KB	
Sticht, Nancy J SAJ	FW: Sanibel in jeopardy	Tue 10/10/200	6 5:	23 KB	
Sticht, Nancy J SAJ	FW: Sanibel in jeopardy	Tue 10/10/200	6 5:	24 KB	
Sticht, Nancy J SAJ	FW: Release Schedule	Tue 10/10/200	6 5:	4 KB	
Sticht, Nancy J SAJ	FW: Sanibel welfare	Tue 10/10/200	6 5:	7 KB	
Sticht, Nancy J SAJ	FW: Caloosahatchee River	Tue 10/10/200	6 5:	7 KB	
Sticht, Nancy J SAJ	FW: Lake O releases result in severe damage to our estuary	Tue 10/10/200	6 5:	6 KB	
Sticht, Nancy J SAJ	FW: Lake O water releases	Tue 10/10/200	6 5:	3 KB	
Sticht, Nancy J SAJ	FW: Lake Okeechobee Releases	Tue 10/10/200	6 5:	6 KB	
Date: Two Weeks Ago					
jmarino	river water	Thu 10/5/2006 3:	06 PM	3 KB	
Matt Goad	None	Wed 10/4/2006	8:	3 KB	
Milam, J P SAJ		Tue 10/3/2006 10	:48	9 MB	
ate: Three Weeks Ago				right N	
Sticht, Nancy J SAJ	FW: Water Release from Lake Okeechobee	Fri 9/29/2006 11:3	88 AM	10 KB	
Sticht, Nancy J SAJ	FW: Lake "O" Regulation Schedule	Fri 9/29/2006 11:3	MA 8	8 KB	
Sticht, Nancy J SAJ	FW: Lake Okeechobee Regulation Schedule	Fri 9/29/2006 11:3	MA 8	6 KB	
Sticht, Nancy J SAJ	FW: Lake Okeechobee	Fri 9/29/2006 11:3	8 AM	3 KB	
Sticht, Nancy J SAJ	FW: Lake Okeechobee release schedule comment regarding seagrass	Fri 9/29/2006 11:3			
Sticht, Nancy J SAJ	FW: Lake Okeechhobee releases	Fri 9/29/2006 11:3			
Sticht, Nancy J SAJ	FW: Lake releases	Fri 9/29/2006 11:3			
Sticht, Nancy J SAJ	FW: Lake O plea	Fri 9/29/2006 11:3			<del></del>
Sticht, Nancy J SAJ	FW: Lake Okeechobee	Fri 9/29/2006 11:3			
Sticht, Nancy J SAJ	FW: Plan 6	Fri 9/29/2006 11:3			<del></del>
Sticht, Nancy J SAJ	FW: Lake Okeechobee Regulation Schedule	Fri 9/29/2006 11:3			
Sticht, Nancy J SAJ	FW: The Caloosahatchie River	Fri 9/29/2006 11:3			
Sticht, Nancy J SAJ	FW: Caloosahatchee River	Fri 9/29/2006 11:34			
Sticht, Nancy J SAJ	FW: Caloosahatchi River water flows	Fri 9/29/2006 11:34			
Robbins, Erica A SAJ	RE: Lake Okeechobee water releases	Mon 9/25/2006 10:			
Sticht, Nancy J SAJ	FW: Lake O Releases	Mon 9/25/2006 10:			
Sticht, Nancy J SAJ	FW: (no subject)	Mon 9/25/2006 10:0			
Sticht, Nancy J SAJ	FW: News-Press editorial 9.24.2006				
Sticht, Nancy J SAJ	FW: Water Releases	Mon 9/25/2006 10:0			
Sticht, Nancy J SAJ	FW: lake okeechobee regulation schedule	Mon 9/25/2006 9:58			
Sticht, Nancy J SAJ	FW: Florida Water quality	Mon 9/25/2006 9:57			
Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9:57			
Sticht, Nancy J SAJ	FW: Okechobee water releases must be cut back	Mon 9/25/2006 9:57			
Sticht, Nancy J SAJ	FW: Lake Okeechobee Water Releases	Mon 9/25/2006 9:57			
Sticht, Nancy J SAJ	FW: Polluted water	Mon 9/25/2006 9:56			
Sticht, Nancy J SAJ		Mon 9/25/2006 9:56			
Sticht, Nancy J SAJ	FW: Lake Okeechobee Regulation Schedule Study	Mon 9/25/2006 9:56			
Sticht, Nancy J SAJ	FW: Lake O	Mon 9/25/2006 9:56	AM 5	KB	
Sticht, Nancy J SAJ	FW: Sanibel	Mon 9/25/2006 9:55	AM 61	KB	
	FW: Lake Okeechobee	Mon 9/25/2006 9:55	AM 61	(B	
Sticht, Nancy J SAJ	FW: sanibel estuary	Mon 9/25/2006 9:55	AM 4 H	(B	- 1
Sticht, Nancy J SAJ	FW: Pete Milam US Army Corps of Engineers/Sanibel estuary	Mon 9/25/2006 9:55	4M 5 K	(B	
Sticht, Nancy J SAJ	FW: Lake Okeechobee Releases	Mon 9/25/2006 9:54	AM 8 K	(B	1
Sticht, Nancy J SAJ	FW: LORSS- New Rule - Wrong / No Tools	Mon 9/25/2006 9:53 /			
Sticht, Nancy J SAJ	FW: Lake Okeechobee Water discharges	Mon 9/25/2006 9:53 /			
Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9:52 A			
Sticht, Nancy J SAJ	EM: water releases	Mon 9/25/2006 9:52 A			
Sticht, Nancy J SAJ	DAV. Laka Okasakaka Nava A	Mon 9/25/2006 9:52 A			1

! D @ From	Subject	Received	7	Size	•
Sticht, Nancy J SAJ	FW: Lake O water releases	Mon 9/25/2006 9	:51 AM		
J # Sticht, Nancy J SAJ	FW: Donation from SolarBee	Mon 9/25/2006 9			
Sticht, Nancy J SAJ	FW: A POSSIBLE SOLUTION for SW Florida/ ALGAE !	Mon 9/25/2006 9			
Sticht, Nancy J SAJ	FW: Lake Okeechobee management plan.	Mon 9/25/2006 9			
Sticht, Nancy J SAJ	FW: Comments on Lake O Regulation Schedule	Mon 9/25/2006 9			
. Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9			
, Sticht, Nancy J SAJ	FW: lake okeechobee management schedule	Mon 9/25/2006 9			
, Sticht, Nancy J SAJ	FW: OOpscredit where credit is due	Mon 9/25/2006 9			—
Sticht, Nancy J SAJ	FW: Fort Myers meeting on Lake O releases	Mon 9/25/2006 9			
Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9			
Sticht, Nancy J SAJ	FW: Fort Myers beaches and waterways - I moved here because of lu	. Mon 9/25/2006 9:			
Sticht, Nancy J SAJ	FW: Imput Forum Fort Myers, FL	Mon 9/25/2006 9:			
. Sticht, Nancy J SAJ	FW: Lake O. Regulation Schedule Study	Mon 9/25/2006 9:			
_ Sticht, Nancy J SAJ	FW: Lake Okeechobee water releases into the Caloosahatchee River	Mon 9/25/2006 9:			
Sticht, Nancy J SAJ	FW: Lake O discharge	Mon 9/25/2006 9:			<del></del>
. Sticht, Nancy J SAJ	FW: Water Releases	Mon 9/25/2006 9:			
. Sticht, Nancy J SAJ	FW: Water regulation schedule	Mon 9/25/2006 9:			
Sticht, Nancy J SAJ	FW: Lake Okeechobee TSP	Mon 9/25/2006 9:			
. Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9:			
. Sticht, Nancy J SAJ	FW: Lake Okeechobee Regulation Schedule study	Mon 9/25/2006 9:			
Sticht, Nancy J SAJ	FW: Sanibel-Captiva, San Carlos Bay, Calooahatchee River Water Quality	Mon 9/25/2006 9:4	15 AM	O KD	
Sticht, Nancy J SAJ	FW: Lake O Water Releases	Mon 9/25/2006 9:4			
. Sticht, Nancy J SAJ	FW: Lake Okeechobee Water Releases	Mon 9/25/2006 9:4			
J Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9:4			
. Sticht, Nancy J SAJ	FW: Unacceptable "Lake Regulation Schedule" for 2007-2010	Mon 9/25/2006 9:4			
. Sticht, Nancy J SAJ	FW: Lake O	Mon 9/25/2006 9:4			
Sticht, Nancy J SAJ	FW: Don't ruin our waters!	Mon 9/25/2006 9:4			
. Sticht, Nancy J SAJ	FW: please don't ruin our water	Mon 9/25/2006 9:4			
Je Sticht, Nancy J SAJ	FW: Request to Modify Lake O release schedule	Mon 9/25/2006 9:3			
」   Sticht, Nancy J SAJ	FW: Request to Modify Lake O release schedule	Mon 9/25/2006 9:3			
Sticht, Nancy J SAJ	FW: Please save our waters	Mon 9/25/2006 9:3			
Sticht, Nancy J SAJ	FW: Please save our waters	Mon 9/25/2006 9:3			
Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9:3			
Sticht, Nancy J SAJ	FW:	Mon 9/25/2006 9:35			
. Sticht, Nancy J SAJ	FW: Management of Lake Okeechobee water releases	Mon 9/25/2006 9:34			
, Sticht, Nancy J SAJ	EM. Lake Okeanhahar Batta	Mon 9/25/2006 9:34			
Sticht, Nancy J SAJ	DM: doctoration of a training during the				
. Sticht, Nancy J SAJ	FIAL Original and the	Mon 9/25/2006 9:34			
Sticht, Nancy J SAJ	EW: objections recording and the second	Mon 9/25/2006 9:34			
Sticht, Nancy J SAJ	FW: Lake O regulation schodula	Mon 9/25/2006 9:34			
Sticht, Nancy J SAJ	EW Lake O and the Li	Mon 9/25/2006 9:33			
Sticht, Nancy J SAJ	EW. Dumping the Late	Mon 9/25/2006 9:33			
Sticht, Nancy J SAJ	CM/Llake O	Mon 9/25/2006 9:33			
Sticht, Nancy J SAJ	EM: Cava Casibella Water I	Mon 9/25/2006 9:33			
Sticht, Nancy J SAJ	EW. The 2007 2010 days	Mon 9/25/2006 9:32			
Sticht, Nancy J SAJ	FW: Water Peleace from Lake Okoochehee	4on 9/25/2006 9:32			[
Sticht, Nancy J SAJ	FW: LORGE	1on 9/25/2006 9:32			
Sticht, Nancy J SAJ	CW pollution	1on 9/25/2006 9:32			
Sticht, Nancy J SAJ	CW: Water release from Lake Ol	1on 9/25/2006 9:32			
Sticht, Nancy J SAJ	EM: Lake O water valence	lon 9/25/2006 9:31 /			
Sticht, Nancy J SAJ	EMI A slaw for but 6	lon 9/25/2006 9:31 /			
Sue K SA1 Contractor	FW: A plea for help forom a gulf coast resident	lon 9/25/2006 9:31 A	AM 11 K	(B	

🗅 g From	Subject	Received \(  \)	Size Y
Sticht, Nancy J SAJ	FW: Water Release from Lake Okeechobee	Mon 9/25/2006 9:31 AM 5	
Sticht, Nancy J SAJ	FW: Sanibel	Mon 9/25/2006 9:30 AM 6	
Sticht, Nancy J SAJ	FW: my comments	Mon 9/25/2006 9:30 AM 3	
Date: Last Month			
. Haberer, Yvonne L SAJ	FW: Lake Okechobee Draft EIS	Thu 9/21/2006 9:57 AM 5	4 KB
. Haberer, Yvonne L SAJ	FW: Tribal Consultation Letters Re: LORSS	Wed 9/20/2006 3:27 PM 19	
Haberer, Yvonne L SAJ	FW: Lake Okeechobee letters	Wed 9/20/2006 1:50 PM 2	14 KB
. • Colleen Sugden	FW: Emailing: article_00718 / lake O	Mon 9/18/2006 6:00 PM 24	
.   Haberer, Yvonne L SAJ	FW: LORSS comment letter	Mon 9/18/2006 1:52 PM 26	
. Haberer, Yvonne L SAJ	FW: Lake Ocheechobee Run Off	Mon 9/18/2006 1:51 PM 2	
. Haberer, Yvonne L SAJ	FW: Lake Okeechobee water releases	Mon 9/18/2006 1:51 PM 2	
. Haberer, Yvonne L SAJ	FW: Lake Okeechobee water releases	Mon 9/18/2006 1:50 PM 15	
. Dc1sanibel@aol.com	lake okeechobee management schedule	Fri 9/15/2006 10:19 AM 5	
Date: Older			
. Andy Rice		Sat 8/19/2006 12:36 PM 3	KB
. Ralphlkwrth@aol.com	NEW LAKE OKEECHOBEE STUDY	Sat 8/19/2006 12:16 PM 5	
pagsurveyorsing	Lake Okeechobee water levels	Sat 8/19/2006 10:23 AM 4	

## Mailing List

For Revised Draft Supplemental Environmental Impact Statement

## MAILING LIST LAKE OKEECHOBEE MARCH 07

## **FEDERAL AGENCIES**

All Bold = letter
First line bold = CD
No bold = Hard Copy
Return to sender
Moved
Not deliverable as addressed
Address has been changed per request

CHIEF, STEVE SULLIVAN
US ARMY CORPS OF ENGINEERS
SOUTH FLORIDA OPERATIONS OFFICE
525 RIDGE LAWN ROAD
CLEWISTON. FL 33440-5399

MR. RON MEIDEMA U.S. EPA, REGION 4 400 N. CONGRESS AVENUE, SUITE 120 WEST PALM BEACH. FL 33401

REGIONAL DIRECTOR NATIONAL PARK SERVICE 75 SPRING STREET SW ATLANTA, GA 30303

RICHARD HARVEY
U.S. EPA, REGION 4
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WEST PALM BEACH, FL 33401

EVERGLADES NATIONAL PARK 40001 STATE ROAD 9336 HOMESTEAD, FL 33034 (2 CYS) REGIONAL DIRECTOR
U.S. FISH AND WILDLIFE SERVICE
1875 CENTURY BLVD.
ATLANTA, GA 30345-3301

MR. PAUL SOUZA SOUTH FLORIDA ECOSYSTEM OFFICE U.S. FISH AND WILDLIFE SERVICE 1339 20<sup>th</sup> STREET VERO BEACH, FL 32960-3559 REFUGE MANAGER
ARTHUR R. MARSHALL
LOXAHATCHEE NWR
U.S. FISH AND WILDLIFE SERVICE
10216 LEE ROAD
BOYNTON BEACH, FL. 33437-9741

REFUGE MANAGER, J.N. DING DARLING NATIONAL WILDLIFE REFUGE 1 WILDLIFE DRIVE SANIBEL, FL 33957

BOB PACE U S FISH AND WILDLIFE SERVICE 1339 20<sup>TH</sup> STREET VERO BEACH FL 32960-3559 STATE CONSERVATIONIST

NATURAL RESOURCES

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U.S. DEPARTMENT OF AGRICULTURE

P.O. BOX 141510

GAINESVILLE, FL 32614-1510

T. MCAILILEY, TRIAL ATTORNEY U.S. DEPARTMENT OF JUSTICE ENVIRONMENTAL AND NATURAL RESOURCE DIVISION 99 NE 4<sup>TH</sup> STREET MAIMI, FL 33132-2111

BUREAU OF INDIAN AFFAIRS 6075 STIRLING ROAD HOLLYWOOD, FL 33024 MILES CROOM REGIONAL ADMINISTRATOR NATIONAL MARINE FISHERIES SERVICE 263 13<sup>TH</sup> AVE SOUTH ST. PETERSBURG, FL 33701 SUBDISTRICT CHIEF
WATER RESORCES DIVISION
U.S. GEOLOGICAL SURVEY
9100 NW 36<sup>TH</sup> STREET SUITE 106
MAIMI, FL 33178

NATIONAL MARINE FISHERIES SERV HABITAT CONSERVATION DIV. 11420 N. KENDALL DR., SUITE 103 MIAMI, FL 33131 DAVID BERNHART
ASST REGIONAL ADMINISTRATOR
NATIONAL MARINE FISHERIES SERVICE
HABITAT CONS DIVISION
263 13<sup>TH</sup> AVE SOUTH
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MS MARY ANN POOLE, DIRECTOR
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FFWCC
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TALLAHASEE, FLORIDA 32399-1600

J. D. WYKERT
FL GAME & FRESH WATER COMM
AQUATIC PLANT SECTION
3900 DRANE FIELD ROAD
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KIM O'DELL SO FL WATER MANAGEMENT DIST P. O. BOX 24680 WEST PALM BEACH, FL 33416-4680

FL DEPT OF ENV PROTECTION FLORIDA STATE CLEARINGHOUSE ATTN: Lauen Milligan 3900 COMMONWEALTH BLVD MAIL STATION 47 TALLAHASSEE FL 32399-3000

SUSAN GRAY, PH.D. SOUTH FLORIDA WATER MGMT DISTRICT P.O. BOX 24680 WEST PALM BEACH, FL 33416-4680 DISTRICT HEADQUARTERS
SOUTHWEST FLORIDA WATER MGMT DIST
2379 BROAD STREET
BROOKSVILLE, FL 34604-6899

BRIAN S. BARNETT

ARNET I

NMETNAL SERV.
E CONSERVATION
SION
DIAN STREET
COMMISSIONER
DEPARTMENT OF AGRICULTURE AND
CONSUMER SERVICES
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SECRETARY
INTERGOVERNMENTAL AFFAIRS POLICY UNIT
THE CAPITOL, ROOM 1603
TALLAHASSEE, FL 32399-0001

OFFICE OF ENVIRONMETNAL SERV. FL FISH AND WILDLIFE CONSERVATION COMMISION 620 SOUTH MERIDIAN STREET TALLAHASSEE, FL 32399-1600 PETER DOERING SOUTH FL WATER MANAGEMENT DISTRICT P. O. BOX 24680 3301 GUN CLUB ROAD WEST PALM BEACH, FL 33406

MR. HERBERT H. ZEBUTH
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FLORIDA DEPT OF ENVIRON. PROTECTION
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ENVIRONMENTAL OFFICE (MS-37)
FLORIDA DEPARTMENT OF
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605 SUWANEE STREET
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SOUTH FL WATER MANAGEMENT DISTRICT
OKEECHOBEE FIELD STATION
1000 N. E. 40<sup>TH</sup> AVENUE
OKEECHOBEE, FL 34972

MS KIM SHUGAR
DEP OF ENV PROTECTION
ECOSYSTEM PROGRAM DEPARTMENT
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TALLAHASSEE, FLORIDA 32399-3000

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COUNTY ADMINISTRATOR
OKEECHOBEE COUNTY ADMINISTRATION
304 NW 2<sup>ND</sup> STREET
OKEECHOBEE, FL 34972

COUNTY MANAGER
POLK COUNTY ADMINISTRATION
DRAWER CA01 P.O. BOX 9005
BARTOW, FL 33831

MR. ROLAND OTTOLINI DIRECTOR, LEE COUNTY DIVISION OF NATURAL RESOURCES P.O. BOX 398 FORT MYERS, FL 33902-0398 DON FOX FLORIDA GAME & FRESH WATER FISH COMM FISHERIES SECTION 3991 S.E. 27<sup>TH</sup> CT. OKEECHOBEE, FL 33974

EXECUTIVE DIRECTOR
FLORIDA GAME AND FRESH WATER
FISH COMMISSION
620 S. MERIDIAN STREET
TALLAHASSEE, FL 32399-1600

STATE HISTORIC PRESERVATION OFFICER DIVISION OF HISTORICAL RESOURCES R.A. GRAY BUILDING 500 SOUTH BRONOUGH STREET TALLAHASSEE, FL 32399-0250

GREG KNECHT
DEP OF ENV PROTECTION
WATER QUALITY AND SPECIAL PROJECTS
2600 BLAIR STONE RAOD-MS 3560
TALLAHASSEE, FLORIDA 32399-2400

**COUNTY AGENCIES** 

LEIGH E. DUNSTON, CHAIR ECONOMIC COUNCIL, PALM BEACH CTY 1555 PALM BEACH LAKES BLVD SUITE 400 WEST PALM BEACH, FL 33401-2375

COUNTY ADMINISTRATOR
HIGHLANDS COUNTY ADMINISTRATION
P.O. BOX 1926
SEBRING, FL 33871-1926

COUNTY MANAGER
OSCEOLA COUNTY ADMINSTRATION
17 S. VERNON AVE., ROOM 117
KISSIMMEE, FL 34741-5488

COUNTY ADMINISTRATOR ST. LUCIE COUNTY ADMINSTRATION 2300 VIRGINIA AVE. FORT PIERCE, FL 34982

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MIAMI-DADE COUNTY PLANNING DEPT
111 NW FIRST STREET SUITE 1220
MIAMI, FL 33128-1972

DIRECTOR

OFFICE OF ECOSYSTEM PLANNING FLORIDA DEPT OF ENVIRON. PROTECTION 3900 COMMONWEALTH BLVD MS 45 TALLAHASSEE, FL 32399-3000

EVERGLADES PROTECTION & REST.
PROGRAM

FL FISH & WILDLIFE CONSERV. COMMISSION 255 154<sup>TH</sup> AVENUE VERO BEACH, FL 32968-9041

PAUL GRAY
WATERFOWL MGMT SECTION
FL GAME & FRESHWATER FISH COMM
3991 SE 27<sup>TH</sup> COURT

OKEECHOBEE, FL 34974

**RICK BRUST** 

FLORIDA GAME & FRESH WATER COMM. 3200 T.M. GOODWIN ROAD FELLESMERE, FL 32948

ROMAN GASTERI MIAMI-DADE COUNTY OFFICE OF THE COUNTY MANAGER 111 NW FIRST STREET, SUITE 2910 MIAMI, FL 33128-1994

COUNTY COORDINATOR GLADES COUNTY ADMINISTRATION P.O. BOX 1018 MOORE HAVEN, FL 33471

COUNTY ADMINISTRATOR MARTIN COUNTY ADMINISTERATION 2401 SE MONTEREY ROAD STUART, FL 34996

COUNTY ADMINISTRATOR
PALM BEACH COUNTY ADMINSTRATION
301 N. OLIVE AVE.
WEST PALM BEACH, FL 33401-4705

COUNTY MANAGER
METRO-DADE CENTER
OFFICE OF THE CITY MANAGER SUITE 2910
111 NW 1<sup>ST</sup> STREET
MIAMI, FL 33128

ECONOMIC COUNCIL OF OKEECHOBEE COUNTY INC. P.O. BOX 718 OKEECHOBEE, FL 34973 GLADES CITY BOARD OF COUNTY COMM P.O. BOX 10 MOORE HAVEN, FL 33471 POLK COUNTY BOARD OF COUNTY COMMISSIONERS P.O. BOX 60 BARTOW, FL 33830 MR. ARNOLD MONROE OKEECHOBEE FARM BUREAU 14627 NW 34<sup>TH</sup> TERRACE OKEECHOBEE, FL 34972

**ASSOCIATIONS** 

BOARD MEMBER ST. LUCIE RIVER INITIATIVE P.O. BOX 2082 STUART, FL 34995

LOUIS E. LARSON, SR., PRESIDENT LARSON DAIRY, INC. P.O. BOX 1242 OKEECHOBEE, FL 34973

NATIONAL AUDUBON SOCIETY 444 BRICKELL AVE. #850 MIAMI, FL 33131 MR. GREG CARLTON U.S. SUGAR CORPORATION P.O. DRAWER 1207 CLEWISTON, FL 33440-1207

FLORIDA WILDLIFE FEDERATION 1549 LIVE OAK DRIVE TALLAHASSEE, FL 32301 EVERGLADES COORDINATING COUNCIL 3845 SW 103<sup>RD</sup> AVENUE APT 101 MIAMI, FL 33165

AUDUBON SOCIETY OF THE EVERGLADES 10308 HERITAGE FARMS LAKE WORTH, FL 33467

TROPICAL AUDUBON SOCIETY, INC. 5530 SUNSET DRIVE MIAMI, FL 33143 TROPICAL AUDUBON SOCIETY 201 S. BISCAYNE BLVD (SUITE 1402) MIAMI, FL. 33131 RIDGE AUDUBON SOCIETY 1122 CIRCLE DRIVE LAKE WALES, 33853

FRIENDS OF THE EVERGLADES 244-A WESTWARD DRIVE MIAMI SPRINGS, FL 33166 SIERRA CLUB, LOXAHATCHEE 298 NW 11<sup>TH</sup> STREET BOCA RATON, FL 33432 WORLD WILDLIFE FUND P.O. BOX 19630 PLANTATION, FL 33318

CHAIRPERSON
DEFENDERS OF WILDLIFE
1101 14<sup>TH</sup> STREET, NW SUITE 1400
WASHINGTON, DC 20005

1000 FRIENDS OF FLORIDA 1833 SE HIDEAWAY CIRCLE PORT ST LUCIE, FL 34952 CALOOSAHATCHEE RIVER CITIZENS ASSOCIATION 12491 COCONUT CREET COURT FORT MYERS, FL 33908

THE WILDERNESS SOCIETY 4203 PONCE DE LEON BLVD CORAL GABLES, FL 33146 STATE DIRECTOR
THE NATURE CONSERVANCY
222 S. WESTMONTE DRIVE (SUITE 300)
ALTAMONTE SPRINGS, FL 32714-4269

MR. ROBERT DANIELS S.FLA. REGIONAL PLANNING COUNCIL 3440 HOLLYWOOD BLVD, SUITE 140 HOLLYWOOD, FL 33021

SAVE THE MANATEE P.O. BOX 8776 NAPLES, FL 34101-8776 FL SPORTSMEN CONSERVATION ASSOC. 7407 SOUTHERN BLVD. WEST PALM BEACH, FL 33908 ENVIRONMENTAL COALITION OF BROWARD COUNTY 10400 GRIFFIN ROAD, SUITE 304 COOPER CITY, FL 33328

ENVIRONMENTAL DEFENSE FUND 1875 CONNECTICUTT AVE. NW WASHINGTON, DC 20009 THE FLORIDA BIODIVERSITY PROJECT 1120 NW 1<sup>ST</sup> AVENUE FT. LAUDERDALE, FL 33311

MS. RUTH CLARK LEAGUE OF WOMEN VOTERS, BROWARD 651 SW 6<sup>TH</sup> STREET, #215 POMPANO, FL 33060-7797 NATIONAL PARKS AND CONSERVATION ASSOC. 1546 POLK STREET HOLLYWOOD, FL 33020-5426

FLORIDA AUDUBON SOCIETY 1331 PALMETTO AVE., SUITE 110 WINTER PARK, FL 32789 F. D. JORDAN ST LUCIE RIVER INITIATIVE INC. P.O. BOX 2471 STUART, FL 34995

FLORIDA WILDLIFE FEDERATION P.O. BOX 6870 TALLAHASSEE. FL 32314-6870 TRUST FOR PUBLIC LANDS 7900 RED ROAD SUITE 25 MIAMI, FL 33143 MR. JOHN RAINS, JR. IZAAK WALTON LEAGUE 5314 BAY STATE ROAD PALMETTO, FL 32561-9712

NATIONAL RESOURCES DEFENSE COUNCIL 40 WEST 20<sup>TH</sup> STREET (11 FLOOR) NEW YORK, NY 10011 MR. ANDREW SCHOCK NATIONAL WILDLIFE FEDERATION 1330 WEST PEACHTREE ST (SUITE 475) ATLANTA, GA 30309 DR. SEYMORE GOLDWEBBER DADE COUNTY AGRICULTURAL COUNCIL 7900 SW 126<sup>TH</sup> TERRACE MIAMI, FL 33156

AGRICULTURAL INTERESTS

ELIZABETH S. JOHNSTONE STITT RANCH INC. ROUTE 2 BOX 170 CLEWISTON, FL 33440-9747 VEE PLATT FRIERSON FARM P.O. BOX 1686 CLEWISTON, FL 33440

MR. ART DARLING DAIRY FARMERS INC. 166 LOOKOUT PLACE SUITE 100 MAITLAND, FL 32751 MS. BARBARA MIEDEMA SUGAR CANE GROWERS COOPERATIVE P.O. BOX 666 BELLE GLADE, FL 33430-5556

FLORIDA CITRUS MUTUAL P.O. BOX 89 LAKELAND, FL 33802

MR. JOHN W. DUNCKELMAN FLORIDA SUGAR CANE LEAGUE, INC. P.O. DRAWER 1208 CLEWISTON, FL 33440-1208 MR. TOM JONES SOUTH FLORIDA AGRICULTURAL COUNCIL P.O. BOX 68 LABELLE, FL 33935

MR. JOE PEARCE FLORIDA CATTLEMAN'S ASSOCIATION P.O. BOX 421929 KISSIMMEE, FL 34742-1929 MR. PHIL STRAZZULLA INDIAN RIVER CITRUS LEAGUE P.O. BOX 519 7925 20<sup>TH</sup> STREET VERO BEACH, FL 32961-0519

LEWIS FRIEND FARMS, INC. ATTN: LEWIS FRIEND 460 STATE MARKET ROAD PAHOKEE, FL 33476

UNITED STATES SUGAR CORP. ATTN: MR. FRANKLYN JONES, P.E. DIRECTOR, ENGINEERING PLANNING P.O. DRAWER 1207 CLEWISTON, FL 33440

BRYAN BEER GUTWEIN GROVES, INC. P.O. BOX 158 LABELLE, FL 33935 JOHN DUNKLEMAN FLA SUGAR CANE LEAGUE P.O. DRAWER 1208 CLEWISTON, FL 33440

DAVE QUIRING BERRY GROVE CORPORATION P.O. BOX 459 LABELLE, FL 33935 PRESIDENT ATLANTIC SUGAR ASSOC., INC. P.O. BOX 1570 BELLE GLADE, FL 33430

BUBBA WADE 111 PONCE DE LEON CLEWISTON, FL 33440

LAWRENCE D. WORTH DIRECTOR OF ENGINEERING U.S. SUGAR CORPORATION P.O. DRAWER 1207 CLEWISTON, FL 33440

GULF CITRUS GROWERS PO BOX 1319 LABELLE, FL 33975

## NATIVE AMERICAN TRIBES

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MICCOSUKEE TRIBE OF INDIANS OF FLORIDA
P O BOX 440021 TAMIAMI STATION
MIAMI FL 33144

MR. STEVE TERRY
MICCOSUKEE TRIBE OF INDIANS OF FLORIDA
P.O. BOX 440021
TAMIAMI STATION
MIAMI, FL 33144

MR. CRAIG TEPPER SEMINOLE TRIBE OF FLORIDA 6300 STIRLING ROAD, SUITE 109 HOLLYWOOD, FL 33024

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TOWN COUNCIL PRESIDENT
TOWN OF PALM BEACH
360 SOUTH COUNTY ROAD
PALM BEACH, FL 33480

LEE CHAMBERLAIN, PRESIDENT EVERGLADES COORDINATING COUNCIL 7901 WEST 25<sup>TH</sup> COURT HIALEA, FL 33016

FRIENDS OF LAKE OKEECHOBEE 2252 SW 22<sup>ND</sup> CIRCLE OKEECHOBEE, FL 34974 EMILY DRAKE DRAKE RANCH ROUTE 2 BOX 173 CLEWISTON, FL 33440

MR. KEVIN STINNETTE INDIAN RIVERKEEPER TREASURE COAST ENV. DEFENSE FUND P.O. BOX 1812 JENSON BEACH, FL 34958

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ARDIS HAMMOCK P.O. BOX 1928 CLEWISTON, FL 33440

GENERAL MANAGER
PAHOKEE WATER CONTROL DISTRICT
P.O. BOX 896
BELLE GLADE, FL 33430

THE CONSERVANCY OF SOUTHWEST FLORIDA 1450 MERRIHUE DRIVE NAPLES, FL 34102

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COUNTY COMMISSIONER
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12<sup>TH</sup> FLOOR
WEST PALM BEACH, FL 33401

UTILITY DIRECTOR
WATER UTILITIES DEPARTMENT
PALM BEACH COUNTY
BOX 16097
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LIMESTONE MINING COALITION
200 SOUTH BISCAYNE BLVD SUITE 2940
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OKEECHOBEE, FL 34972

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> WAYNE NELSON 12911 NW 160<sup>th</sup> STREET OKEECHOBEE, FL 34972

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OKEE TANTIE BAIT & TACKLE 10430 HWY 78 WEST OKEECHOBEE, FL 34974

J & S FISH CAMP 9500 S.W. CONNERS'S HWY, #15 OKEECHOBEE, FL 34974

SPORTSMAN'S VILLAGE MARINA 1<sup>ST</sup> STREET NORTH MOORE HAVEN, FL 33471 FISHERMAN'S VILLAGE 1<sup>ST</sup> STREET NORTH MOORE HAVEN, FL 33471 UNCLE JOE'S MARINA & MOTEL LIBERTY POINT CLEWISTON, FL 33440

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PAHOKEE MARINA 200 UPPER W. LAKEVIEW DRIVE PAHOKEE, FL 33476 SPORTMAN'S VILLAGE MARINA 1<sup>ST</sup> STREET NORTH MOORE HAVEN, FL 33471 ALVIN'S BAIT & TACKLE FLORIDA AVENUE MOORE HAVEN, FL 33471

OKEE TANTI BAIT & TACKLE 10430 HWY 78 WEST OKEECHOBEE, FL 34974 FAST BREAK 1505 HWY 78 WEST OKEECHOBEE, FL 34974 BAIT & TACKLE 8591 HWY 78 WEST OKEECHOBEE, FL 34974

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MS SUSAN BROOKMAN, CHAIRMAN SOUTH FL WATERSHED COUNCIL INC. P O BOX 61063 FORT MYERS FL 33906-1063 BEVERLY JONES ST. LUCIE INITIATIVE P.O. BOX 2082 STUART, FL 34995 DAVID JONES
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PALM BEACH COUNTY LIBRARY 3650 SUMMIT BLVD. WEST PALM BEACH, FLORIDA 33406

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